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ABSTRACT

This document contains seven consecutive English-language issues of the IWGIA Newsletter, from July 1991 through December 1992, followed by the seven corresponding issues in Spanish. These newsletters provide educators with a resource on the history, current conditions, and struggles for self-determination of indigenous peoples around the world. Articles on the United States and Canada discuss: (1) the consequences of the James Bay Agreement for Native land claims in Quebec; (2) threats to Native land rights in British Columbia and Alberta; (3) gender discrimination in Canadian government rules defining a "status Indian"; (4) environmental concerns over hydroelectric development projects in Quebec; (5) the Inuit Circumpolar Conference on conservation of the Arctic environment and indigenous human rights; (6) the history and current situation of Native Hawaiians with regard to relations with the federal government, land claims, and self-determination; (7) thoughts about resistance and linguistic and cultural preservation from Indian representatives on a United Nations Working Group; (8) Guatemalan Maya living in "Indiantown" in south Florida and working as seasonal or migrant farm laborers, changes and conflict in the community, need for services, and collaborative anthropological research; and (9) statement of the National Chicano Human Rights Council on the militarization of the U.S.-Mexican border. Also included are articles on indigenous peoples in countries of Asia, Africa, Latin America, and Russia. (SV)

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IWGIA

NEWSLETTER

No. 1 · July / August · 1991

International Work Group for Indigenous Affairs

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Editorial

From this issue of the IWGIA Newsletter a new format will be introduced. This will allow us more flexibility in content as well as lay-out, and to introduce a new 'Late News' section.

Another major change is that the Newsletter and the Spanish Boletin now are identical.

We hope that these changes will give us a qualitatively better Newsletter. With very limited resources this process has not been, and will not be, an easy one. In the future, however, we hope that the changes will enable us to publish more regularly and more up to date in both languages.

Some years ago IWGIA initiated a so called South-South project. One of the ideas contained in this project was to spread information between indigenous groups in all parts of the world. The coming into the international scene of indigenous peoples from Africa, Soviet Union and Asia has made this a tremendous task. But we hope to be able to make at least a minor contribution to this process.

This issue reflects the increased focus on indigenous people in Africa and Asia. The small group of Hadzabe in Tanzania is one of the few hunters and gatherers left in the world as are the San in Botswana. They inhabit areas which are in the focus of international concern. Not because these cultures are endangered, but in order to protect wild animals. The national governments do not recognise the customary land rights of these people, and the concept of sustainable development seems not to be recognised in their cases.

Few indigenous people have received more international publicity than the Yanomami Indians in Brazil and yet their situation still remains precarious. To analyse the land conflict as seen from the Yanomami, we publish a background paper by Alcida Ramos.

We all know that very few countries recognise the rights of indigenous peoples. In most countries this is something still to be obtained. In Argentine indigenous groups now demand that their rights are taken into the constitutional reform process. The assimilationist approach lies deep in the consciousness of non-indigenous people in Latin America as demonstrated by Evaristo Nugkuag in his response to Mario Vargas Llosa.

In the Soviet North a vast numbers of communities now demand autonomy. The type of autonomy to be sought is still under debate - the creation of reservations is one. The Soviet Union also proves that ecological destruction is more than a rainforest phenomenon, as reported by Yeremei Aipin and people can be forced to adopt other than verbal means to protect their environment.

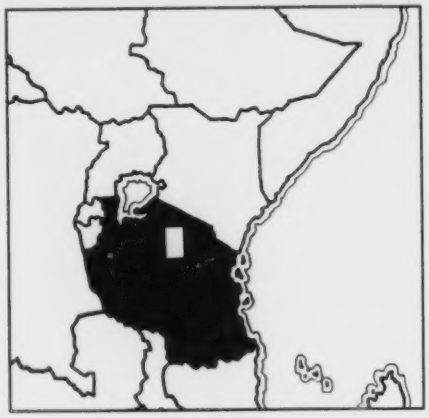
The ecological consequences of technical megaprojects are threatening, but governments continue to construct massive dams like the James Bay II in Quebec, Canada. In the 1970s the Cree and the Inuit of Quebec opposed, in vain, the construction of the first phase of this ambitious project. Now, more than 15 years later the Canadian government brushs aside the interests and rights of indigenous people. The court in the province of British Columbia in the Gitksan-Wet land claim case did precisely the same: The Gitksan have no claim to ownership of their land and their aboriginal rights are extinguished.

For the first time an independent international commission has been allowed to enter the Chittagong Hill Tracts in Bangladesh to investigate human rights violations against the tribal peoples. The report, which was published by IWGIA in May this year, documents serious violations of human rights. A summary of the findings and recommendations of the commission is published in this Newsletter. Since the launching of this report information from the Chittagong Hill Tracts show that the new democratic government has continued the suppressive policy of the former military regime.

Finally we have the good news that the Saami poet Nils-Aslak Valkeapää was the winner of the Nordic Council's Award for Literature, 1991. ❑

Hunters in a Field of Corn

by Svein Evjen Olsen



TANZANIA, East Africa

High above the undulating foothills of the Kainam Plateau vultures are lazily circling in the haze of the perennial dry season. This year the haze seems especially dense. One can just barely make out the eastern shore of Lake Eyasi, a mere thirty miles away, but a days journey by whatever means of transport. Between us and the lake, Yaida Valley lies serene and seemingly pristine. At first glance Yaida seems to be the perfect Garden of Eden. The surrounding hills covered by the ever present acacia taper gently down into the valley. The valley floor is dominated by a great plain distorted slightly by the shimmering heat and the reflection of dying grass. To the east the plain is bordered by the green swath of a large swamp. As we gaze down at the valley a feeling of witnessing the last remaining primordial refuge overtakes us. If a dinosaur should suddenly appear on that great plain it would not be surprising. A feeling of inexplicable sadness clouds our vision for a moment, perhaps an emotional tug from our own forefathers who maybe walked this very plain, or something very like it, in their incessant struggle for survival.

Down in the valley wisps of smoke give away the presence of a group of people considered by some researchers to be one of the truly indigenous East African groups; the *Hadzabe* people. (Locally they are called the Tindiga, which translates into "the people on the marsh".) A tribe of hunters and gatherers, the Hadzabe have been the focus of an exorbitant amount of research and study in recent decades. Scarcely a year passes without the rumbling of some donated landrover or landcruiser criss-crossing the valley in search of background information for some thesis or report destined to be handed in at some distant institution for filing in dusty archives. For the Hadzabe, the coming and going of researchers and programmes have become part of the daily routine, something to be tolerated and utilized to the maximum in terms of such spin-offs as free food or other useful items.

The Mono Programme

A major instigator of such programmes has been the Tanzanian government, which views the presence of a "near stone-age" group of people as something of a luxury that Tanzanian society can ill afford. The government adheres to the philosophy of one nation - one people. The basic tenets of this philosophy stress the need for a sense of general identification with a community that is completely integrated with regard to economy, institutions and culture. As a consequence the government has periodically initiated programmes designed to integrate the Hadzabe people to the socio-economic fold of society.

Mongo wa Mono (locally abbreviated to **Mono**) is the physical incarnation of one such programme. At this location a few miles from the local center of Yaida Chini (located just south of the Yaida Swamp), the authorities have set up a village programme (administratively under the auspices of Yaida Chini village), for the Hadzabe with the intention of converting them to an agricultural culture. When we arrived (July 1990) there were approximately 700 Hadzabe in the village. A further 60, apparently originating in the Shinyanga area further northwest, arrived the same day. According to the official census the Hadzabe population is estimated to be roughly 2,500. Researchers we spoke with contended the realistic figure was around 1,000. But these figures hold a large degree of uncertainty as groups of Hadzabe are known to be "hiding out" in the forests in the Yaida/Eyasi area.

The location for Mono was chosen by an initial group of Hadzabe in 1987. A steady trickle of Hadzabe have migrated from the bush ever since. A striking aspect is the fact that this location and this village "project" was initiated by the Hadzabe themselves and did not come as a result of some government policy. The government is of course attempting to capitalize on the Mono village. The Mono settlement is therefore now central in the government efforts to assimilate the Hadzabe.

Though water accessibility is poor (the closest watersource entails a four-hour roundtrip), the location possesses relatively fertile soil and is sheltered to a small degree from the Yaida Chini settlement by the surrounding hills. Efforts have been made to find water in the vicinity, but they have so far proved unsuccessful. This may prove decisive as regards the probability of success for the programme. As the Hadzabe put it in Swahili *"Hapa hamna maji, lakini msituni kuna maji mengi sana!"* (Here there is no water, but in the forest there is lots of water!).

The main incentive for the Hadzabe to move to Mono has been the provision of free food (donated through Oxfam). With the aid of CUSO (Canadian Universities Services Overseas) a broad community development programme has been put in effect. A minimum of health services is provided by a nearby mission hospital (Haydom Lutheran Hospital) which runs a primary health care (PHC) programme partly funded by the Missionary Aviation

Fellowship (MAF). This service consists of a monthly MAF flight to Yaida by a PHC unit from Haydom Hospital.

Primary education is provided at the local school in Yaida. This is an important component in the government efforts to ensure the assimilation of the Hadzabe. The education programme is two-pronged; formal primary education is extended to the Hadzabe children while adult education programmes are extended to the adult Hadzabe. Free food and school uniforms are provided as incentives to make school participation attractive. In addition the Hadzabe youths (upon completion of the primary education programme) are regularly extracted, so to speak, from their environment and taken to various national institutions (an obvious ploy to facilitate the "transformation" of attitudes). If the objective of these education programmes was or is the conversion of the Hadzabe to the greater Tanzanian society with a consequent embracement of a settled agropastoral culture, they may safely be deemed as failures.

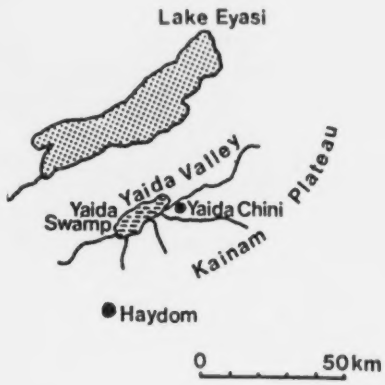
Agriculture is clearly intended to be the mainstay of the programme economy. External help has been hired to plow and prepare the fields. The Hadzabe participate in the sowing. The harvest is a joint effort between the external help and the Hadzabe. Otherwise the Hadzabe seem very non-committed regarding the role of agriculture in their culture. It is striking that the field giving the largest crop yield belongs to a man from the Chagga tribe (from the Moshi/Pare area) who had joined the Hadzabe through marriage with a Hadzabe girl.

According to some local sources there is considerable political prestige involved in presenting an assimilation programme that "works," so to speak. The resulting pressure from the government implementors has to some degree created a counterproductive passive attitude among the Hadzabe.

The forest as a safety valve

Local sources contend the health and nutritional status for the Hadzabe was better before the village programmes were put in effect. In the forests the Hadzabe had access to a balanced diet consisting of intake of wild berries, honey and meat in addition to small amounts of agricultural produce acquired in trade with neighbouring tribes. After the move to the villages the diet has been based on access to free food which certainly has not contained the same balancing of vitamins and nutrients. An enquiry to Haydom Hospital confirmed that there has been an increase in the number of malnutrition cases recorded among the Hadzabe.

As indicated by the comment on the water situation, many Hadzabe hold the forest as a safety valve. If the programme fails, or the incentives (free food, etc.) are considered insufficient, the Hadzabe reason that they can always return to their former way of life by simply slipping into the forests. However there is reason to wonder how valid this safety valve is. The Hadzabe around Yaida have been involved more or less in settlement programmes since the mid-sixties. Indeed the British Government attempted to settle the Hadzabe as early as the late 1920's. With every passing year the younger generations will become increasingly alienated as regards their parents culture. The parent generation can easily adapt to the forest as they already are accustomed to it. But the younger generations have spent most of their lives in various programme villages. Even though the forest surrounds Mono, the Hadzabe have effectively hunted and cleared the area of fauna in a radius of some ten miles. However it is not quite correct to say that the Hadzabe have cleared the area themselves. The past couple of years have seen the advent of large hunting "packages" designed for tourists being sold by a tourist agency in Arusha.



These "packages" have resulted in fixed camps in the Yaida/Eyasi area. During the hunting seasons the tourists (purportedly including Kuwaiti and Saudi Arabian princes) hunt large quantities of game. In between the hunting seasons the staff at the fixed camps continue this hunting. Poaching (mainly neighbouring tribes) exacerbates the pressure on the fauna. The young therefore do not have the daily exposure to a forest habitat rich with game necessary for survival in that habitat. In this context we had a thought-provoking experience. We made a small effort to find a group of Hadzabe thought to be hiding out on a ridge separating Yaida Valley from Lake Eyasi. As a guide we had the son of a local Hadzabe man. He quickly proved to be relatively helpless in tracking or identifying spoor of animals. The author acknowledges that the "helplessness" may have been intended in order to thwart the efforts to locate the Hadzabe group. However this did not appear to be the case, as the guide relatively quickly lost his bearings as to where he was and we had to make do with our background knowledge of the area. As regards the Hadzabe group we did find evidence that someone had been in the area recently, but then again this may have been traces of poacher groups known to be in the area.

Poaching is a growing problem in the area, and this directly affects the Hadzabe. Groups of poachers from the surrounding tribes (notably the Iramba, Isanzu and Turu) regularly come down to the Yaida/Eyasi area to hunt meat illegally. This meat can be seen being sold at the *mnadas* or markets held periodically in the region.

These poacher "teams" often employ Hadzabe as trackers or porters. Typically these external tribes hold Hadzabe as an inferior people. The Hadzabe are therefore often the victims of harassment when in contact with these poacher groups. As these poacher groups can often number as many as forty armed men, the understaffed game rangers stationed in Yaida Chini are hopelessly outmatched and are virtually powerless to do anything. The war against poachers is a priority for the national authorities, and the rangers therefore have standing orders to "shoot to kill" in encounters with poachers. In view of their employment status vis á vis the poacher groups the Hadzabe are in effect caught in a crossfire leaving them without rights outside the village.

Pressure from surrounding tribes and land rights

As already mentioned, surrounding tribes view the Hadzabe as an inferior people. The damaging effect this attitude might have had has previously been offset by the fact that the Hadzabe tended to isolate themselves from contact with neighbouring tribes. With the advent of village programmes the Hadzabe are forced into contact with the surrounding cultures. The younger generations, through schooling, contact with peers in other tribes etc., grow up with a constant reminder that their own culture is considered inferior. The result is obvious and may be fatal to the future of the Hadzabe. The young men grow alienated from their own culture, thereby reducing the validity of the forest as an escape valve. The young women tend to exercise social mobility and marry "upwards" into other tribes. In the space of a few generations the Hadzabe may become virtually extinct as a cultural entity.

The tribes living in the surrounding areas are steadily encroaching upon the Hadzabe area. In the early 1900's the area around Yaida was regarded as empty wilderness. The endemic presence of sleeping sickness transmitted by the tsetse fly certainly helped to isolate the area. In this period the Hadzabe were the only people living in the area and even they were considered "wild animals". In the 1940's *Datoga, Iraqw* and other neighbouring tribes started migrating to the area. Since then the migration has increased. The Iraqw tribe is currently especially expansive. Land rights have therefore become a crucial issue. But as other tribes (for instance the *Maasai* and the *Barabaig Datoga*) in Tanzania have experienced, the land rights issue is also a controversial one. Customary land rights are difficult to prove as the land in question has often never been officially surveyed or ratified. In 1985 the government initiated a new land-use policy on the "program for the implementation of national plans for agriculture and animal husbandry" (in Swahili: *Programu ya kutekeleza Fera ya Taifa ya Kilimo na Mifugo*). According to the law villages are accorded the right to a certain amount of land. However to secure land tenure each village must make its own land-use plan. This plan is then presented to the government authorities for ratification. Upon ratification a land survey of village boundaries is made securing the basis for a title deed to village land. Sub-title deeds are subsequently granted to individual villagers. (The relatively "static" nature of these title boundaries will of course have adverse effects on the nomadic cultures). The administration of this land-use plan is to be the responsibility of the individual village, and the government should not supercede that right. However in the face of large plantation interests, local power politics and ignorance regarding the law, land rights are not being upheld. Certain local organisations are now conducting major awareness campaigns focusing on **village** land rights rather than **individual** land rights. The tactic seems to be silent diplomacy rather than the full scale frontal approach adopted in the Barabaig vs. NAFCO case (in this case the *Barabaig* tribe after years of encroachment by a government wheat project (NAFCO) took the case to the High Court. The case was temporarily lost when the government adopted a law stating that customary land rights were annulled for the Barabaig as of 1987 (see IWGIA Newsletter No. 60-61).

As far as the author could ascertain the Hadzabe are not aware of their land rights. According to local sources the Hadzabe have traditionally never exercised land tenure in a manner that caused conflicts between themselves or the surrounding tribes. Until recent decades the land area in question has been large enough to allow for the relatively mobile and nomadic lifestyle the Hadzabe as hunters and gatherers required. However with the rapid encroachment of other tribes land tenure is fast becoming a serious issue. In this regard it is important that Mono be registered as a separate village. The Yaida village is comprised of members from other tribes (notably *Iraqw* and *Isanzu*), and there is therefore a certain element of vested interests as regards the respective tribes. Members of the Iraqw tribe are already settling in the immediate vicinity of the Mono village.

As there are many examples that indigenous organisations acting on "behalf of" may only cause antagonization, etc., in national bureaucratic structures, the issue must now be one of inducing an awareness of these land rights so that the Hadzabe can forward these rights themselves through the Tanzanian judicial system. The land-use plan entails an element of community participation. It is therefore vital that the Hadzabe participate in the process of setting up their own plan and thereby make use of the possibilities inherent in such a plan. For instance the Hadzabe can designate certain areas as "forest reserves" for utilisation as sources of honey and wild berries.

The battle to maintain their cultural integrity seems an uphill one for the Hadzabe. Faced with the ever-increasing pressure from encroaching tribes, adverse effects of government "domestication" programmes, attitudes inducing inferiority complexes, etc., the battle seems near hopeless. If something does not radically change in the immediate future, the vultures circling so lazily over a seemingly serene and beautiful Yaida Valley may be an ominous omen of what the future holds in store for the Hadzabe people.

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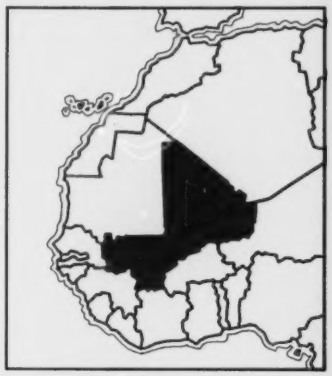
West Africa:
Tuareg Treaty (*)



MALI, West Africa

IWGIA Newsletter No. 62 (1990) reported that *Tuaregs* in Mali had taken to arms against the central government. On 6 January 1991, the Tuaregs, led by the rebel leader Iyad Ag Ghali, and the Malian government, represented by General Ousmane Coulibaly, surprisingly signed a peace treaty. In the efforts to come to a truce, this was the third round of negotiations between the two parties. All negotiations were held at Tamanrasset in Algeria where the Algerian government guaranteed for the safety of the parties involved.

The peace treaty gives large concessions to the nomadic Tuaregs, who are mostly to be found in the northern two (6. and 7.) of Mali's 7 regions, bordering the Sahara desert. Of the most important points in the treaty are the following:

- the rebels are allowed to keep their arms within certain areas;
- exchange of all prisoners of war;
- the vast 7. region will be split into two, so that the Circle of Kidal will become a region in its own right;
- these three northern regions are given internal autonomy within the state of Mali;
- the northern regions, especially the region of Kidal will be freed of its army bases. (Since the Tuareg rebellion of 1963-64, the Malian army has had many soldiers stationed in this area). The soldiers will now patrol the borders, but not be used against civilians within Mali.
- Tuareg soldiers will be admitted in the army with the same rank as they had in their own rebel forces (up till now very few Tuaregs have been admitted into the armed Malian forces).
- 47.3 % of Mali's investment program over the next five years is to be used in these three regions;
- a committee for the cessation of hostilities and to follow up the treaty will be established to organize the beginning of the changes;
- a new system of representatives, elected by the population, will then be installed.

At the end of March, all prisoners of war were said to have been liberated. The Committee for the installation of Peace has started functioning. Three groups of rebels are travelling around in each of the three regions in vehicles furnished by the Malian army. In bigger places, they are setting up local committees that are to function until elections have taken place. At the same time, they are informing the public by holding mass meetings where they pass. At a public meeting at which we participated, the rebels informed about the content of the peace treaty. They underlined that those who believed the war was over, were wrong. The real war, the war against poverty and for development was starting now. This war demanded the participation of each and every one, they said. Participants voiced complaints against abuse by the present local authorities,. A noticeably optimistic mood sweeps over Mali at the moment.

Three factors probably explain the Malian government's acceptance of the Treaty. First, Mali did not receive support from bordering countries in the conflict, as it did under the Tuareg uprising in 1963-64. This time, Algeria and Libya did nothing to control Tuareg movements within their territories.

Second, the Tuareg rebels were trained desert fighters. Many of them had served as mercenaries in the Libyan forces, and were used to warfare under harsh conditions. Most of the Malian soldiers came from southern regions. They were neither well trained nor used to the vast dry lands of the North. The number of dead during the 6 month war shows this clearly; whereas about 700 Malian soldiers were killed by the rebels, only 25 Tuareg soldiers are reported killed. On the other side, Malian soldiers took it out on civilians; about 400 civilians were killed in reprisal attacks. (The numbers are unconfirmed, but believed not to be far from the truth.)

Third, since December 1990, the Malian government has been seriously troubled by demonstrations and riots in the south, where the pro-democracy movement has been growing in impact over the last few months. The government expected more trouble in the south, and probably decided against a war on two fronts. In January and in March , new big pro-democracy, pro multi-party demonstrations have taken place, some of them bloodily repressed by the Malian army and police forces. As this is being written (28 March), the President, General Moussa Traore and his wife have been arrested in the capital, and a provisional government -named the National Council of Reconciliation (CNR)- has been installed.

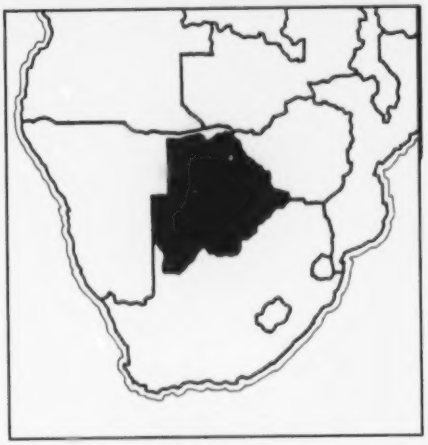
The Treaty between the Tuaregs and the Malian government has been criticized in different pro-democracy newspapers in the south. For one thing, the treaty was not made public. For another, the pro-democracy movement has argued that agreements between single movements and the government was not the way to go to reach a better Mali for all. Also, they are sceptical to a treaty between one ethnic group and the government, in regions where other ethnic groups are represented. It remains to be seen how these issues will be met by the Tuareg movement, as well as how the new Malian government will follow up the treaty. According to Radio Bamako, the CNR has pledged to respect all sub-regional, regional and international agreements signed by the former government, including the Tamanrasset agreement with the Tuaregs. ❑

(*) The identity of the authors is known to IWGIA.

Game Park vs. the San:

Conservation and Sustainable Development in Kalahari

by Robert K. Hitchcock



BOTSWANA, South Africa

As the pace of development in the Kalahari Desert region of Botswana in southern Africa has increased, questions have been raised about the future of the indigenous populations residing there. Concerns have been voiced about the **status** of people living in the Central Kalahari Game Reserve (CKGR).

The Republic of Botswana is one of the few countries left in the world that has a fairly sizeable number of people who derive a significant portion of their subsistence from hunting and gathering. Most of the anthropological research on foraging populations has concentrated on *San (Basarwa, Bushmen)*, but it is important to note that these people are not the only ones who live in remote areas and who exploit wild foods. In the Central Kalahari region, for example, there are *Bakgalagadi* groups who spend part of their time foraging.

The Botswana government has identified those people in rural areas who live outside established villages as a major target group for development assistance. Calling them Remote Area Dwellers (RADs), the government has been providing technical and other kinds of assistance to these populations for the past decade and a half. A wide range of projects were carried out, including water development, education and agriculture.

There are several reasons for the expansion of interest in the situations remote area populations were dealing with in Botswana. First of all, the initiation of a large-scale development and land reform program, the Tribal Grazing Land Policy (TGLP), resulted in the discovery that there were large numbers of people in rural areas, many of whom did not own livestock and tended to be poverty-stricken. Secondly, the drought of the early 1980s (1981-1986) caused a certain amount of nutritional and social stress for a fairly sizeable number of people in rural Botswana. The drought relief programs mounted by the government proved to be effective at preventing starvation. At the same time, a portion of the remote area population became more dependent on food relief and labour intensive public works projects.

In the past three decades a number of different recommendations were made concerning the future of the Kalahari. There were those planners who felt that some areas should be turned into commercial cattle ranches. Others felt that the Kalahari wildlife populations and their habitats needed to be conserved, so they pushed for large areas to be set aside as parks and reserves. Botswana has the largest percent of its total area set aside as parkland of all the countries in southern Africa (see Table 1). There were also planners who felt that a multiple-use strategy was useful in rural areas, so they advocated the establishment of small villages with associated arable and grazing areas.

One of the land categories that planners recommended be established in Botswana was Wildlife Management Areas (WMAs). In these places, people would be allowed to continue their foraging but would also be able to carry out other kinds of activities, such as crop and livestock raising and small-scale rural industries.

One of the areas where rural development activities were promoted was !Xade in Central Kalahari Game Reserve. By the early 1980s, it had become clear that the people of !Xade were having a significant effect on their habitats. Major changes occurred in the subsistence and settlement systems of !Xade and other Central Kala

Table 1. Data on parks and reserves in Southern African countries

Name of the country	Number of parks	Parkland area (km²)	Percent of parkland area
Angola	–	–	–
Botswana	7	47,273	7.874
Lesotho	1	65	0.214
Malawi	3	3,109	2.624
Mozambique	2	5,750	0.743
Namibia	–	–	–
Southafrica	27	51,635	4.229
Swaziland	–	–	–
Tanzania	8	36,872	3.901
Zambia	17	58,988	7.838
Zimbabwe	17	28.454	7.285

hari populations, so much so that in 1985 the Botswana Government called for a commission of inquiry to assess the various options which might be pursued in the area. The CKGR Commission reviewed evidence, interviewed district officials, and held meeting with residents of the CKGR between September and November, 1985.

The CKGR Commission recommended that the portions of the reserve be degazetted and turned into a Wildlife Management Area where people would be allowed to continue to reside and utilize local resources. It was also recommended that "communal cells" be created in those areas where there were significant population concentrations. People would then be able to continue living and working in the CKGR.

These recommendations were rejected by the Ministry of Commerce and Industry, which oversees parks and reserves in Botswana. Instead, it was stipulated that the residents of the reserve would be encouraged to move to areas outside the boundaries of the CKGR where they would be provided with facilities. In a speech to Parliament on 1 December 1986, the Minister of Commerce and Industry stated that the government had a mandate to make decisions in the national interest. He also stated that the reserve would lose its integrity if people were allowed to remain living there (Botswana Daily News, December 2, 1986, p.1).

Discussions were held with reserve residents in an attempt to convince them of the efficacy of moving to new areas. Several reasons were given by government officials to CKGR residents as to why the resettlement was necessary. First of all, they noted that the move would help ensure conservation of the resource base in the reserve. Secondly, they argued that it would enhance the tourism potential of the region. A third reason given by government officials was that its moving to new areas would enable local populations to direct access to development assistance.

The decision to remove people from the reserve caused consternation among residents of the reserve, some of whom wanted to stay in the places they had lived in for generations. There were also questions raised by Members of Parliament in Botswana, who felt that the proposed resettlement was not in the best interests of the local people. Two Botswana government ministers visited various settlements in CKGR in May-June 1988, in order to consult with them about the government's decision. A common refrain at the meetings was that while people appreciated the government's development assistance, they wanted social services to be provided in their places of origin (Botswana Daily News, June 7, 1988).

The issue of the future of the people of the CKGR received international attention on articles in the **Washington Post**, the **New York Times** and **Africa Report** in 1988. In September 1988, at the Fifth International Conference on Hunting and Gathering Societies in Darwin, Australia, a motion was passed by the delegates which stated that the peoples of the Kalahari should not be required to move out of the reserve. In April, 1989, Survival International published an Urgent Action Bulletin (UAB/BOT/1) concerning the people being threatened with expulsion from the Central Kalahari Game Reserve. In June, 1989 the President of Botswana met with members of conservation and development organizations in Washington D.C., in order to assure them of Botswana's good intensions concerning the environment and people of the Kalahari.

It is important to stress that although different kinds of policies have been pursued in the Central Kalahari, the government has yet to stop providing assistance to the people in the reserve. It also has yet to require anyone to move out of the region. Nevertheless, pressure to make the Central Kalahari Game Reserve a true game reserve, where people would not be allowed to reside or hunt and gather, continues unabated.

Map of Botswana

Change in the Central Kalahari

In 1986, the Botswana Government decided to introduce an Accelerated Remote Area Development Programme (ARADP). Donor assistance was sought, and the Norwegian Agency for Interna-

Table 2. Wildlife Management Areas (WMAs) in Botswana

Name	District	Size (km²)
Nunga	Chobe	2,334
Mamama/Kanyu	Chobe	12,938
Tamafupa	Central	11,138
Ngamiland	North West	22,440
Western Sandfeld	Central	3,234
Groot Laagte	Ghanzi	3,853
East Ghanzi (Okwa)	Ghanzi	55,159
West Ghanzi	Ghanzi	11,616
Kgalagadi	Kgalagadi	34,481
Kweneng	Kweneng	6,075
Ngwaketse	Southern	2,672
		TOTAL 145,740

Note: Data for this table were obtained from the Department of Wildlife and National Parks, Ministry of Commerce and Industry, Government of Botswana, Gaborone, Botswana.

tional Development (NORAD) agreed to provide financial and technical assistance. Some of the development activities were to be undertaken in Wildlife Management Areas (WMAs), a list of which is presented in Table 2. Some of the WMAs are on the peripheries of the CKGR, which is the largest game reserve in Botswana and one of the largest protected areas on the African Continent. A suggestion made by some government planners is that the G/wi, G// ana, and Bakgalagadi residents of the CKGR should be moved into some of these WMAs (e.g. into Okwa and the one in the western sandveld region of Central District).

The CKGR was originally established on the recommendation of an anthropologist, George Silberbauer, in order to preserve the people, wildlife, and habitats of the central Kalahari region. The CKGR is a vast area of 52,347 km² comprised of undulating tree-bush savannas, fossil river valleys, and rolling grasslands dotted with shrubs. Just to the south of the CKGR is Khutse, a small (2,703 km²) reserve set up in 1971.

As a semi-arid region, the Central Kalahari poses particular problems for the human, faunal and floral population within it. Rainfall is relatively low, averaging around 300 millimetres per year, and it is highly variable both spatially and temporally. Wildlife populations tend to be fairly mobile: wildebeest herds, for example, move over substantial areas in their quest for grazing. Human populations also tend to be somewhat mobile, and they cover large amounts of land. Table 3 presents data on group sizes, range sizes, and mobility of CKGR populations recorded by anthropologists and Remote Area Development Programme (RADP) personnel. It is evident that there is variation both in average group size and range size. Human groups survive in part through exploitation of a wide variety of fauna and flora and through adjusting group sizes and mobility in order to ensure sufficient resource availability.

There have been a number of changes over time in Central Kalahari, some of them due to environmental factors (e.g.drought) and others coming about because of human activities. Some of these changes include the construction of veterinary cordon fences, borehole drilling, establishment of cattle post and ranches on the reserve's peripheries, and the carrying out of mineral prospecting by mining companies. The status of the region as a game reserve under the **Fauna Conservation Proclamation** of 1961 has meant that hunting was not allowed in the region, except for those people who were dependent upon foraging for living. To a certain extent, hunting strategies have changed somewhat in the CKGR, particularly with the introduction of horses and steel traps. Analysis of the limited information on hunting with the aid of modern weapons suggest that most of the people who engage in gun hunting are from outside of the reserve. The Department of Wildlife and National Parks has attempted to control poaching in the reserve but has had limited success because of manpower constraints.

Demographic and socio-economic

Tabel 3. Group Size, Range Size, and Mobility of Central Kalahari Game Reserve Populations

Group Name(s)	Number of groups	Group Size(s) and Average	Range(s) and average	Number Annual Residential Moves
G/wi	6	21-85 57.17	457-1,036 779.67 km²	6-15
G/wi	> 2	up to 70, one was 120	300-400 mi²	
G/wi,g//ana	9	7-57 22.89	4,000 km²	11
G/wi, g//ana, Bakgalagadi	11	41-167 98.73	505-4,323 222.64 km²	4-10
G/wi, g//ana	13	3-98 33.08	5,000 km²	–

changes have taken place in the reserve, as well. Overall, there has been a reduction in the number of people living in the reserve. Whereas there were as many as 5,000 people in the reserve area in the early 1960s, the number in 1985 was estimated to be approximately 1,200. It is important to stress, however, that the numbers of people utilizing the reserve expands and contracts, depending in part upon rainfall and resource availability. Information collected through interviews, evaluation of reports, and examination of official and published data indicate that as many as 3,500 people claim to have land rights in the reserve.

In the 1960s the people occupying the reserve tended to change their group sizes and residential location seasonally. Foraging populations aggregated near pans and in fossil river valleys during the wet season and dispersed into small band- or family-sized groups during the dry season. Groups moved as many as 15-20 times a year. The areas over which people foraged averaged between 450 and 4,000 km^2. By the mid-1980s substantial changes had occurred in group structure and settlement patterns. People in the reserve had aggregated into a relatively small number of settlements which they occupied either year-round or for most of the year. This trend was seen particularly in the !Xade area, where the numbers of people grew from 200 in the 1960s to over 1,000 in 1988. One of the impacts of this demographic growth process was an expansion in the amount of area utilized for food. Another impact was the degradation of the local environment in the !Xade area as a result of the larger numbers of people and domestic animals in the area.

The process of sedentarization among CKGR populations was accompanied by a whole series of other socioeconomic and environmental changes. The greater densities of people resulted in an increase in pressure upon local resources. Wild plant foods were utilized heavily in the vicinity of the settlements, and in some cases, such as at !Xade, people had to either change the kinds of resources they were utilizing, or expand the size of the area that they covered during the course of their food procurement trips. I was told that hunting groups at !Xade covered area which averaged well over 5,000 km^2, a figure similar to that obtained by anthropologist Masakazu Osaki in 1982-83 (M. Osaki, personal communication). The over-exploitation of resources in the vicinity of the settlements resulted in an increase in nutritional stress among some of the residents of the CKGR, especially children. Data provided to the CKGR Fact Finding Mission in October, 1985 by the staff Nurse at !Xade Health Post showed that growth failure among children under five years of age was much greater at !Xade than it was at other settlements (Ngaire Reid, letter to CKGR Commission, 10 October, 1985). In order to counteract these problems, the Botswana Government initiated a drought relief feeding programme in the CKGR. It is also interesting to note that morbidity rates were higher among settled groups than they were among mobile ones in the CKGR.

San Woman, Botswana. Photo: Espen Wæhle.

In the 1970s, it was decided that the residents of Khutse Game Reserve should be relocated outside the reserve. Many of them moved to places to the east of the reserve, and some of them settled at the Department of Wildlife and National Parks (DWNP) camp at the main entrance gate. In 1986, the government decided that a similar move should be made by the residents of the Central Kalahari. It is ironic that while greater emphasis is being placed on improving the socioeconomic status of rural populations, some RADs may lose their traditional lands and thus face potential economic difficulties. According to some reserve residents, this move could exacerbate the already existing problems of access to resource, and it might accentuate social conflicts.

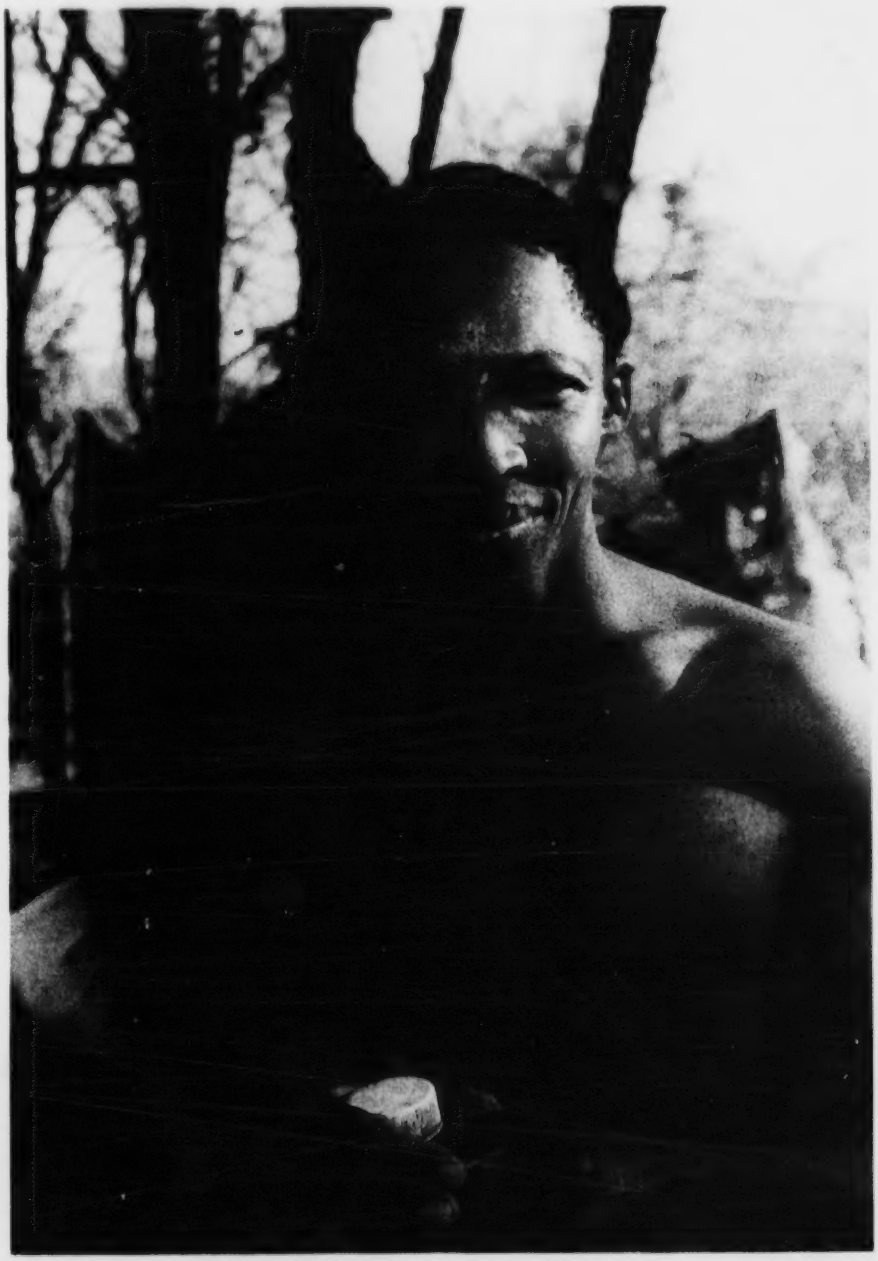
By the 1980s, it was apparent that the socioeconomic status of some of the households in the CKGR and Khutse areas was declining. In some cases, this negative

trend was due to drought which affected the population adversely. However, it is not only environmental factors which have had negative impact on the central Kalahari populations, but also political and economic changes. Hunting regulations have been enforced more strictly, and some group members have gone to prison for extended periods. Social conflicts and alcoholism have increased in some of the settlements in and adjacent to the CKGR and Khutse. People have had to diversify their economic activities in order to maintain themselves. Some of them have become destitute and have moved to villages in the surrounding districts where they receive small stipends from Community Development departments of local District Councils. A few people have been able to make a living through sales of handicraft or meat.

Some of the households in the reserve keep small stock (sheep and goats), donkeys, poultry, and dogs. It is important to note, however, that very few of these households can be described as being self-sufficient pastoralists. The majority of the people in the Central Kalahari pursue a mixed economy strategy, with foraging being supplemented by food production, wage labour, rural industries, and Botswana government drought relief assistance. Those individuals or groups who could not sustain themselves in the reserve this way have often ended up moving out of the area to seek employment at farms or ranches.

The Remote Area Development Programme (RADP) has provided development assistance to the people of !Xade and, to a lesser extent, other areas in the reserve, since the mid-1970s. A borehole, school, health post, staff housing, and other facilities have been established at !Xade under the auspices of the RADP and the Ghanzi District Council. Community service scheme (Tirelo Sechaba) participants have been posted to !Xade as have a number of extension workers (e.g. Remote Area Development Assistants, health workers). Non-formal education activities have been initiated, and the kgotla committee there is relatively active. During the drought period of the 1980s, food has been distributed at !Xade and other settlements in the reserve, and labour intensive development projects have been carried out (e.g. construction of a road between Ghanzi and !Xade). Both the Central and Kweneng District Councils have been involved in providing water and other types of assistance to settlements in the eastern and southern parts of the CKGR.

One of the major arguments used in justifying the removal of local population was that such a strategy would facilitate tourism in the region. According to government figures, there were some 181 tourists vehicles in 1986 and 300 in 1987. Many of these tourists went to Kalahari expressly to "see Bushmen", as they put it to tour operators and others who spoke to them. Tour operators felt that it was to their advantage to have local people in these areas since it would serve to attract clients. While some San and Bakgalagadi noted their reluctance to perform dances for tourists and especially removing their western clothing for photographs, the majority of the CKGR and Khutse area residents acknowledged that they liked the income generated by tourism. Some of the villages in the reserve such as !Xade and Menoatshe have received substantial amounts of money from sales of goods to tourists over the years, and the people therefore are



San Man, Botswana. Photo: Espen Wæhle.

somewhat reluctant to forego the opportunity to deal with visitors from outside the region.

It has been suggested that an underlying reason for the decision to remove people from the reserve was to respond to the interests of environmentalists who were pressuring the European Economic Community to withdraw financial support for Botswana unless greater efforts were made to conserve wildlife and other natural resources. A second suggestion is that some individuals in Botswana feel it important to "villagize" the RADs and thus bring them into the mainstream of life in the country. A third reason given by government officials was that the move out of the reserve would enable people to be assisted more easily, and thus it would help further development goals. Admittedly, there are also those who feel that DeBeers and other mining companies want complete access to the reserve for mineral exploitation purposes. Finally, a few people have suggested that livestock owners would like to see large portions of reserve de-gazetted so that they could turn into communal lands.

Clearly, the decision to remove people from their ancestral lands could serve to erode the social, economic and political status of RADs. Efforts will have to be made to ensure that adequate amounts of land are provided for those who are removed. Special attention will have to be paid to the allocation procedures of Land Boards. At present the Land Boards give only group allocation to RADs, whereas individual allocations are made to other people. District Councils will also have to see to it that economic assistance is provided to people who are relocated so that they are able to sustain themselves in their new areas.

One of Botswana's four main planning objectives is to promote social justice. The main reason for improving the economy of the country is to provide the basis for improved living standards. While resettlement policies have not always had negative social and economic consequences, it is difficult to implement them equitably. In the case of the Central Kalahari Game Reserve, it is possible that people will indeed be relocated to new areas. The question is whether or not those areas will contain sufficient resources to support the additional people. It is also open to speculation whether the relocated people will have security of tenure over their new lands. It is clear that if Botswana is to achieve its goals of self-reliance and unity, careful thought will have to be given to the ways in which the CKGR resettlement issue is handled.

Recent developments

In the late 1980s pressure to make the Central Kalahari Game Reserve a true game reserve or national park, where people would not be allowed to reside or to hunt and gather, subsided but did not disappear completely. Some of the people in the Central Kalahari began to form their own grassroots organisations in an effort to promote self-help and development activities. Others became increasingly active politically. In October, 1989 a local San man from !Xade in the CKGR was elected as a District Councillor for Ghanzi, the district which oversees affairs in the CKGR. While this individual has not had much success at changing government policy, his very presence on the district council may make it possible for positive steps to be taken in the future.

The formation of grassroots development organisations among San and other rural people may come none too soon. Pressure for turning land designated as reserved into grazing land is building. Plans have been made for a Trans Kalahari Highway to the south of the reserve which will have both social and environmental impacts. There has also been talk of a Trans Kalahari Railway which would cut across the CKGR. And mining companies continue to have an interest in the region.

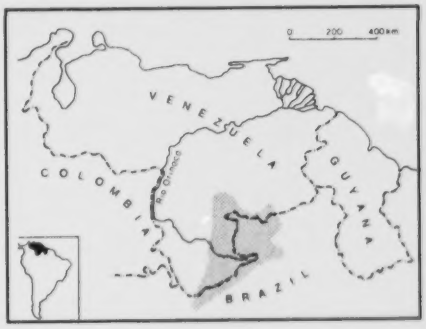
There have been on-going problems of nutritional stress affecting at least some of the more vulnerable members of the population of the Central Kalahari. Health and nutritional surveys conducted in the Central Kalahari in the late 1980s revealed malnutrition among some of the San children and pregnant and lactating women. In June, 1990, the government decided to stop the drought relief feeding program in rural Botswana, but continuing nutritional difficulties led to the re-establishment of the food provision in late 1990.

In November, 1990, Botswana government planners suggested that the CKGR be nominated as a biosphere reserve, a category of specially protected areas designated originally by the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) under its Man and the Biosphere (MAB) Program. Under the biosphere reserve program, people would be allowed to continue residing in the region, and they would have the opportunity to utilise local natural resources as long as they did it in a sustainable manner.

The question remains as to whether or not San will be allowed the right to manage their own resources and plot their own development strategies in the Central Kalahari. While the government of Botswana has committed itself officially to allowing local people to utilise wild resources, there are still restrictions on the numbers and types of plants and animals to be exploited. A new natural resource management project sponsored by the United States Agency for International Development (USAID) and the Department of Wildlife and National Parks in Botswana is designed to assist rural people in increasing their incomes from local resources, but decisions have yet to be made as to the kinds of utilization programs to be initiated.

It is important to stress that although different kinds of policies have been pursued in the Central Kalahari, the Botswana government has not required anyone to move out of the region. It also has yet to stop providing food to the people in the reserve. The people in the Central Kalahari say that they are very glad for the help, but what they really want is opportunities to increase their income and jobs. As they put it, if the people of the Central Kalahari are to have the same rights as other citizens of the country, they ought to be allowed to benefit from development initiatives. ❑

Yanomami: A Homeland Undermined



by Alcida Rita Ramos

This is an updated translation of the Expert Report written in August, 1989, by request of the Procuradoria Geral da República (Attorney General's Office) as part of the evidence presented to a Federal Judge for the interdiction of Yanomami lands, and the evacuation of approximately 40 thousand gold miners who have been invading the area since August 1987.

Invasions

Until the 1970s the Yanomami Indians in Brazil had not experienced the impact of massive invasions of their lands. Previously some of the sub-groups who lived on the edges of Yanomami territory had sporadic, sometimes violent, contact with rubber tappers, Brazil nut and *piassava* palm gatherers, and pelt trappers. In the 1960s the first missionaries, both Protestant and Catholic, set up stations in various points in the State of Roraima, and in the early 70s the National Indian Foundation (FUNAI) opened an office in Boa Vista and later established seven active outpost within the Yanomami Indian area (FUNAI 1984).

The first substantial invasion came with the construction of the Perimetral Norte Highway, from 1973 to 1976. It cut through over 200 km of the southern part of the indigenous lands. Hundreds of workers in precarious health, hired by the construction company, Camargo Corréa, and other firms to which it subleased, brought contagious diseases, prostitution and begging to Yanomami territory. The Indians of the Ajarani and Catrimani river valleys suffering repeated epidemics that devastated their populations. Four Ajarani villages lost 22% of their people from 1973 to 1975, and another four villages in the upper Catrimani region lost half of their population in a measles epidemic in 1978 (Ramos 1979).

In 1975 the Radambrasil Project carried out a survey of mineral resources in Amazonia. The State of Roraima, or more precisely, the Yanomami area, turned out to be rich in cassiterite, gold, and radioactive materials. At the same time, the poor quality of the soils in most of the area was confirmed.

Then came the second large invasion. From 1975 to 1976 an increasing number of placer miners (*garimpeiros*), reaching a peak of about 500, took over the Serra de Surucucus, the heart of Yanomami land, in search of tin. Armed conflicts between Indians and *garimpeiros* ensued, provoked by the miners' stealing of garden products and abusing Indian women. By order of Rangel Reis, the Minister of the Interior at the time, the *garimpeiros* were expelled (Taylor 1979).

The gold rush began in 1980 in the upper Uraricoera region. The number of gold panners reached 2,000 at the Furo de Santa Rosa, within the limits of the Yanomami territory. Throughout the eighties, the number of placer miners decreased, then oscillated, but has not disappeared since the first mining site was established in the area. To the contrary, the *garimpeiros* have moved northwards toward the headwaters and the Indian villages along the Uraricaá-Ericó rivers (COPY 1989).

The situation became extremely critical beginning in August 1987, with thousands of garimpeiros pouring into the Indian area from all over Brazil. They first used Brazilian Air Force and mission station airstrips and then opened up their own strips. In June 1989 the number of illegal airstrips on Indian land was estimated to be over 80, some of them on the Venezuelan side of the border. During the first half of 1989 the invaders in search of gold reached about 50,000, spread over the entire central part of Yanomami lands in Brazil. They even crossed the international border, causing diplomatic problems with Venezuela. In a matter of months, major rivers became unusable. Mercury pollution and silting drastically affected the entire course of the Mucajaí river; poisoned with mercury and oil, the Uraricoera, Catrimani, and Couto de Magalhaes rivers stopped yielding fish. Moreover, the constant take-off and landing of airplanes and helicopters to and from the numerous legal and illegal airstrips frightened game animals, leaving the Yanomami with no source of protein, and forcing them into the intolerable situation of having to depend on the invaders for food. In the first months of 1990 it was estimated that more than 1,500 Yanomami had died, mostly from malaria and other diseases, but also many have been shot - at least 24 Indians have been assassinated by *garimpeiros*.[1] (*Jornal do Brasil*, 18 September, 1990; *Folha de S. Paulo*, 19 September, 1990). The magnitude of this catastrophe is not yet known as, since August 1987, FUNAI and the military have prohibited the entry of anthropologists and other researchers into the Yanomami area (*Acao Pela Cidadania 1990*).

Beginning with the construction of the Perimetral Norte highway, now a defunct and useless project, the Yanomami tragedy has been intensified by gigantic and continuous waves of *garimpeiros* in the largest gold rush in Brazil's recent history.

How the Yanomami use their territory

In spite of the violence that has been inflicted on the Yanomami, they are still the largest indigenous group in the Americas to maintain their traditions little changed by interethnic contact. Even those villages that have suffered the direct impact of the *garimpeiro* invasion have not as yet had the time to absorb the effects of the constant bombardment of foreign stimuli upon their culture. Naturally, the degree of external influence on their ways of life varies with

the intensity and persistence of contact but by and large the Yanomami as an ethnic group are still monolingual and live by their own customs.

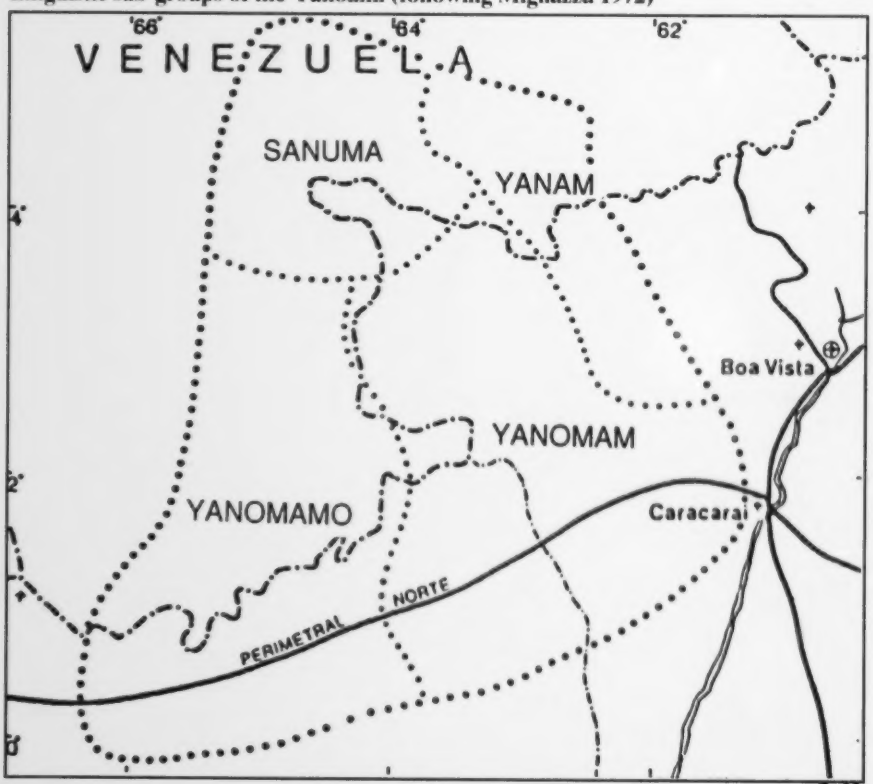
The traditional Yanomami territory stradles the frontier zone and encompasses the northernmost portion of the states of Roraima and Amazonas in Brazil and the southernmost part of the Territory of Amazonas and the State of Bolivar in Venezuela. It contains a variety of Amazonian ecosystems, from mountains to plains, from headwaters to relatively large rivers. The Guiana Range, the watershed between the Orinoco and Amazon basins, is mostly dense tropical rain forest interspersed with a few savannas of unclear origin. Soil fertility is extremely low in most of that vast area, but it is highly differentiated in its ecology. From the mountainous centre of Yanomami territory to its edges, descending toward the large rivers, a careful observer can perceive a diversified distribution of natural resources under the apparent uniformity of the landscape. For instance, each of the various levels of altitude has fauna and flora species that are not found elsewhere. In the headwaters regions there are no big fishes as in the lowlands; certain fruit trees occur only in the mountains, where Brazil nut trees are typically found on the plains. Seen from the air, the forest hides its richness and diversity by appearing to be interminably the same all over.

Originally the Yanomami lived in the Parima mountains. Over the centuries they have dispersed widely, reaching the lowland river valleys both to the south, in Brazil, and to the north, in Venezuela. Today their territory extends over an area of more than 9 millions hectares in Brazil and nearly 10 million in Venezuela, between 0 and 6 degrees North, and 61 and 67 degrees West. Of a total of approximately 22,500 people, the Yanomami population in Brazil is estimated to be just below 10,000. As a matter of fact, the demographic situation of the Yanomami in Brazil has yet to be adequately studied. Various surveys have been carried out but none has covered all the indigenous communities. In 1977 FUNAI made an aerial survey. However, because it was conducted during the rainy season, many sites were not visited. The result of that survey was a count of 8,400 Yanomami distributed in 203 dwellings. In 1987-88 an interministerial group consisting of representatives of various public organs carried out the most extensive survey so far, reaching a total of 9,910 Yanomami in the states of Roraima and Amazonas. But even after ascertaining the size and distribution of the indigenous population, the Brazilian authorities decided to officially delimit the Yanomami territory in the form of a patchwork of 19 small an discontinuous areas, totalling less than 2,500,000 hectares, i.e., less than one quarter of the territory traditionally occupied by these Indians (decrees 97,512 to 97,530 of 17 February, 1989). This decision directly contradicts the 1984-1985 official proposal by FUNAI and the National Security Council, recognizing as Yanomami Indian Area a total of 9,419,108 hectares in a perimeter of approximately 3,071 km (FUNAI 1984).

Whenever possible, the Yanomami choose village sites on high ground, away from large rivers (Ramos 1990). The water supply comes from small streams or springs usually located some distance from the houses. There is a considerable variation in temperature between mountain and plains villages. In the region of the Parima-Pacaraima Range, altitude may reach 1,000 meters above sea level, which results in chilly nights and pleasantly warm days with temperatures reaching 30 degrees Celsius. By contrast, in the lowland villages, such as those in the Ericó, Catrimani, and Ajarani river valleys, thermal variation is less marked and daytime temperatures are much higher.

There are essentially two well-defined seasons from December to May. But even during the dry season it usually rains at least once a week in sparse and quick showers. In the rainy season the landscape is drastically transformed; small streams with crystal-clear beds turn into vast muddy torrents; little cosy groves in the forest where people camp in dry months; amazing tangles of vegetation which one has to cut through on gathering trips for frogs, miniature fish, crabs, vines and other forest products become flooded areas impossible to cross on foot. Lagoons seem to appear as if overnight, driving away animals and most people. In turn, the dry season is a time of plenty; game animals such as paca and capybara are easy prey when the streams are low and the animals have to come closer to the river banks, to the fields and even to the villages. It is the time for visits, for collective hunts, for family camping in the forest, and for the ceremonies in memory of the dead.

Linguistic sub-groups of the Yanoami (following Migliazza 1972)



As a result of the seasonal variation, natural resources vary throughout the year, and the Yanomami are experts in exploiting these climatic and ecological differences: they know every detail about animal behaviour, about plants and the weather. As a whole, they prefer small streams to big rivers, as their size fits more comfortably the scale of the family activities that are part of their traditional way of life; the streams' edges, very often muddy, display footprints of game animals, crab holes, traces of enemies, and a whole host of signals they easily detect. Along these small streams, the Indians have inscribed a geography that is also history. These waterways are, as it were, the veins and capillaries that irrigate not only with water but with memory and cultural meaning the practical and symbolic body of the communities. Along their courses, news flows from village to village as people run after fish they have stunned with the *timbo* vine in the dry season. These streams convey many stories of old gardens, of hunting episodes, and of dwelling sites, all inextricably tied to a topographic history that is filled with details and connecting links binding together the communities along a common trajectory.

Just as important are the trails that connect various villages. More direct than the streams, they trace routes that are permeated with memories and tales that the Yanomami recall on their short or long trips through the forest in search of raw materials and food or when visiting other villages. They recount stories of memorable hunting trips, of encounters with spirits, or of enemies caught in hiding. Radiating from each village, these trails compose an elaborate network of paths that link the village to new and old fields, to hunting grounds, to gathering and fishing sites, to summer camps, and neighbouring as well as distant villages. The trails are like conveyor belts carrying the social impulses that keep alive the great chain of relationships between communities and render isolation and atomization of the local groups virtually impossible. They are, in other words, like nerves constantly transmitting the flow of social meaning that underlies villages, gardens, the forest and the relationship between humans and spirits, that is, the supernatural.

Trails and streams, the nerves and veins of the social space, make up the intricate web of a historicized geography that contains a universe of outstanding events and relationships in flux. A permanent pattern underscores such a human web, and yet, at the same time, there is also a constant movement brought about by changes in village sites and fields, as well as in friendships and enmities among the people.

This vast network encompasses the whole Yanomami territory, over an area of about 19 millions hectares in both countries, linking all the approximately 300 communities (For greater detail on the Yanomami ecology see Albert 1987).

Each garden is made by and belongs to a family. It is essentially the space of production but also a stage for diverse forms of social interaction, from the concerted effort of many men in slash-and-burn, to amorous encounters, and even childbirth. The garden is most of all a domesticated space. Even when it is far away from the village, it is an extension of it. The field is not simply a plot of land where one plants the most regular, abundant and trustworthy type of food, such as manioc, bananas, and tubers of various kind. It is also the place for the exercise of well-defined work attitude and relations, the man's strength in tree felling, the women's patience in harvesting, the children's apprenticeship, or the son-in-law's bride service obligations. Each new garden is like a new file that is opened, a living data bank overflowing with information.

In the history of every village the gardens are touchstones that establish the most significant contours of its past and present.

The fields are usually opened in a circle with a diameter of about 500 to 800 meters, if possible on slopes, to allow for the zoning of the plants on different levels of the terrain and to take advantage of specific draining conditions. Bitter manioc, which usually takes up a large part of the garden, is planted on the upper layers of the cleared ground, as it needs less moisture than bananas, for instance, that are at the bottom where water accumulates, at the intermediate levels, there are several kinds of tubers, sugar cane, and tobacco.

The slash-and-burn procedures in the clearing of a new garden begin toward the end of the rainy season when the trees are felled. A few weeks into the dry season, the fallen vegetation has dried enough to be burned and, a little later, new crops are planted.

At any given time one family have two or three gardens at different stages: an old one, another at full strength, and a third still to be planted or very green. If people stay in a village site for, say, ten years, it becomes ever more difficult to make a trip to new fields and return home in the same day. Sometimes it is necessary to build a small house or a shelter on the edge of the new garden for overnight or longer stays, given the distance between it and the village. When that point is reached, and very often before, the whole community or part of it moves to another site some hours or several days' walking from the previous location, where good forest conditions permit the opening of fields near the new village.

The life span of a garden is about two or three years, after which it loses much of its productivity because of the very low soil fertility. Weeds invade and it is time to make a new field, as weeding becomes increasingly laborious until it is better to begin anew. Behind the apparent neglect denounced by a weedridden garden there is a very good reason for abandoning old gardens to the assault of weeds. They are, in fact, the first stage in the process of forest regeneration. Weeds are followed by thorny bushes, then by medium-sized trees that are typical of secondary growth. Their shade protects the shoots of the large trees that had been felled in the clearing but not uprooted. In this way the forest survives both the slash-and-burn and the intensive use the crops make of the soil nutrients for two or three years. It has been said that in the Guiana Range the forest might take no less than one hundred years to reach its previous vigour if, as with the Yanomami, in the meantime, it is not reused for gardening. In a slash-and-burn system such as this, given the need for a fallow period long enough to allow for the recovery of the forest, it has been calculated that in four years of constant use, each Yanomami village utilizes about three hectares of a given gardening site and that each new field is opened within a radius about 120 km from the previous one.

Strictly speaking, an old garden is not really abandoned for a long period of time. It continues to yield produce, such as bananas and the fruit of the peach palm (pupunha in Portuguese), which the owners continue to harvest year after year. Peach palms take several years to reach maturity. By the time they begin to bear fruit, the garden in which they were planted is unrecognizable, completely taken over by secondary forest. The Yanomami return

to their pupunha trees regularly in the dry season and during that time their houses are filled with bunches of the fat, bright orange-red fruit, highly praised for its flavour and nourishment. The produce left in old fields is also consumed by various birds and mammals which, in turn, attract human hunters. Old gardens can thus turn into specialized hunting grounds.

The forest, of which the gardens are small interruptions, is the basis for the territorial circumscription of a village or group of villages. The term *urihi* (or *ulia*) carries, among other things, the notion of "home", the place where one belongs. Besides sheltering spirits, the forest provides game animals and various products. A male domain par excellence, hunting can be done individually or in groups, as a domestic routine or for ritual purposes. Solitary hunts are carried out year round, whereas collective ones occur more often in the dry season, sometimes involving men from a single village, sometimes engaging both hosts and guests in a ceremony in memory of the dead. Of equal importance are the summer camps; one or more families in a village, or even an entire village, travel together and set up camp in temporary shelters in the forest. They hunt mainly *tapir, paca, wild boar, agouti, capybara, armadillo*, various species of monkeys, and a large variety of birds, from the great bush turkey to various types of partridge.

While routine individual hunts cover a radius of three to eight kilometres around the village, periodic collective hunts may extend to a radius of eight to sixteen kilometres radius in order to provide meat for its population at all times, from daily consumption to large and prolonged intercommunal events.

A man goes hunting two or three times a week, depending on how successful he is in his chases. If he kills a tapir, there is no need for him to go hunting again as long as the meat lasts. This may actually be a relatively short time as the animal, however large, is widely distributed among the whole community. If, on the other hand, his prey is small, such as an agouti, the meat is entirely consumed in his own household and he will have to go hunting again in a couple of days.

Depending on its size, the animal can be boiled and eaten immediately; in the case of a tapir, a boar, or several monkeys, after the initial meal of meat boiled in a highly appreciated broth, the remainder is cut up and smoked to last longer, the meat becomes uniformly black and hard. This is the only way to preserve meat and fish for a longer period. Several factors account for the greater or lesser abundance of meat; these include variations in the terrain and the consequent diversity of ecological niches in a given hunting territory and the size and permanence of a community at a given site. A large concentration of people in the same place for a long time invariably results in a scarcity of game; it is one of the main reasons for moving villages. Given the distribution patterns of fauna and flora in the Amazon rainforest, with a large number of species but thinly and widely dispersed, the danger of depletion of a given species is very high. For this reason, just as the soil needs to lie fallow in order to recover from the crops' absorption of nutrients, so it is necessary to keep "refuge areas" for animals and other resources in order to give the species a chance to restore their demographic equilibrium after a long period of human exploitation of a given area, hence the wisdom of leaving behind old village sites as unused pockets of land when the communities move to new place.

At first sight the important role of gathering in Yanomami diet is not at all obvious. Gathering does not yield the spectacular outcome of a good hunt solemnly carried home by the men, or of an oversized load of manioc brought into the village in the women's bursting baskets. It has, however, a prominent role in the Yanomami diet. Delicacies such as *nabi*, larvae that grow in rotten palm trunks, honey combs, certain caterpillars, frogs, fruits of various kinds, nuts and other edibles are immediately eaten in the forest or taken home wrapped up in modest little leaf bundles. These products are sufficiently regular to contribute substantially to the supply of vitamins, protein, mineral salts, and a welcome gustatory variety. In season, palm fruits are brought home in large quantities and immediately made into juice. Gathering can be combined with short fishing trips by groups of women, groups of men, or by couples. On their way along forest paths they gather whatever they need, for example, vines for basket making or simply leaves and flowers for adornment.

Practically all the raw materials needed in the basic workings of a village, from house construction to household utensils, come from the forest: poles and leaves for house building, fibres and vines for hammocks, ropes, basketry and fishing weapons, for transportation and for baby slings, resins for torches, wax for sealants, and an infinity of other products. All of this are acquired by the individual or collective work of both men and women.

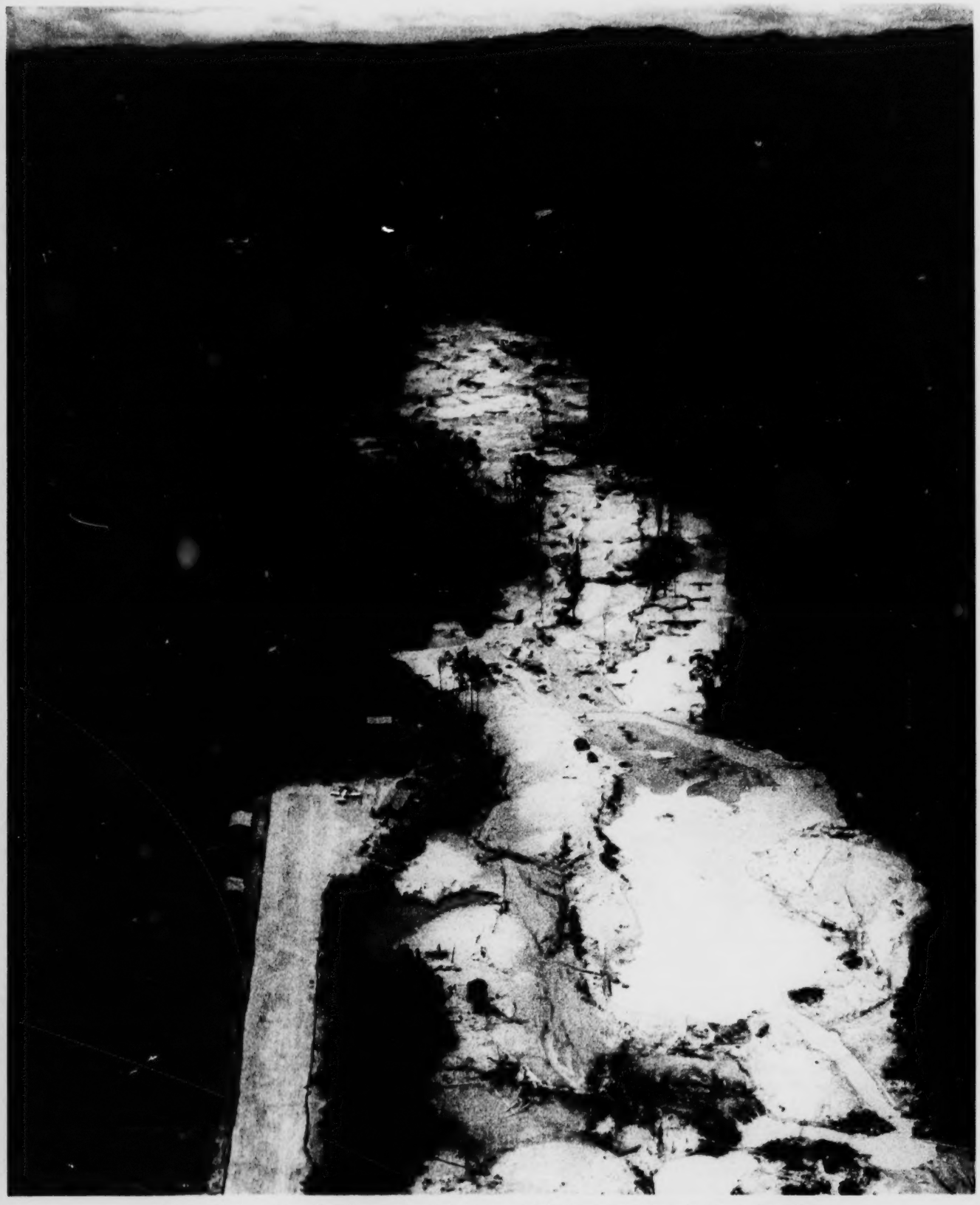
Taking in to consideration all of these activities, it is possible to calculate, as the geographer William Smole (1976) did, that a group of 84 people requires a minimum area of 640 square kilometres to provide all the vital resources needed for the production and reproduction of the Yanomami. This means a demographic density of 0.13 people per square kilometre, which is precisely the average density calculated for these indians. Thus it is quite clear why the Yanomami in Brazil need around 9 million hectares to maintain their economic, social, political, and ritual practices.

The way in which the Yanomami exploit their natural resources is the result of a long tradition passed on through countless generations and has attained a point of equilibrium in spite of extremely poor soils so that they have succeeded in sustaining a growing population without depleting the forest.

From the depths of their wisdom, the Yanomami have developed a social, political, and economic system that favours territorial dispersal, for they know that a greater demographic concentration leads to resource exhaustion. Their territory is large and there are very good reasons for it to be so.

The enlightened manner in which the Yanomami treat the rainforest is partly revealed in two types of spatial movements. One, that we might call micro-migrations, is dictated by the need to make new fields every two or three years and results in the drifting of villages within a radius of about three kilometres every five to ten years. The other, a long term shift within a radius of 10 to 30 kilometres, may be a consequence of the accumulated drain on the resources of a given area but can also be due to deaths, epidemics, or conflicts between communities, leading to new geographic and social rearrangements.

One of the most outstanding features of Yanomami social organization is the pattern of village segmentation by means of which new local groups are created every two or three generations. Political rivalries that emerge within the communities turn out to be very efficient mechanisms for the splitting of dissident groups that leave and settle in new village sites. Blood and mar-



An aerial view of an illegal prospector's landing strip in the upper Mucajair River, Roraima. Photo: Charles Vincent/CEDI-CCPY).

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riage ties as well as exchange interest keep alive the relationship between the groups involved. Allied at first, communities that once were one, drift apart as time goes by, creating a distance between them not only in terms of space but also in terms of political and social interests. Thanks to this drifting process, they avoid the undue concentration of too many people exploiting the same resources and, at one and the same time, preserve their portion of the vast network of connecting social links that embodies the whole Yanomami territory. The result is that the average size of the communities ranges from 30 to 150 people, occasionally reaching 300, as is the case of some communities in the state of Amazonas.

It is unquestionable that the Yanomami in Brazil need a territory of over 9 millions hectares, not only to maintain an economic, social, and political standard of living that has proved its efficiency in the preservation of the rain forest for centuries but also to guarantee the necessary space for future generations to provide continuity to their culture. All of these considerations show very clearly that the Yanomami not only are capable of extracting a sustainable livelihood from their environment, but that it is they who can adequately protect the ecological stability of their territory. Experience acquired through the course of many generations has enabled them to deal imaginatively and rationally with the delicate balance of their habitat.

The Yanomami have lived in the Guiana Range since at least the 18th century, when the first reference to them was made by white explorers (Albert 1985). But, if we take in to account linguistic techniques for measuring the time depth for the separation of related languages (glottochronology), we find revealing figures: it would have taken at least 700 years for the four known Yanomami languages (Yanomam, Yanomamí, Sanumá and Yanam) to drift apart and reach the degree of differentiation we find today. The linguist E. Migliazza (1982) reckons that the first language to separate from the original stock was Sanumá, around the 13th century A.D. For the geographer W. Smole the fact that the speakers of these four languages live relatively near each other indicates that their original territory must have been much larger than it is today, so as to allow for a geographic dispersal wide enough to result in language differentiation before a new territorial contraction. The linguistic record is one of the few pieces of evidence left from the remote history of the Yanomami. Climatic conditions in Amazonia are such that archaeological findings are very scarce; hot and humid weather quickly destroys most organic materials, such as houses, clothing, etc. Furthermore, one of the characteristically Yanomami features is the cremation of the dead and subsequent ritual consumption of the bone ashes. Thus, they leave no traces of their bodies and very little of their culture, such as stone axes or clay pots. We are left with glottochronology, with the oral history of the Yanomami themselves, and with the reports of various explorers from past centuries (Migliazza 1972; Albert 1985).

Threats to the integrity of the Yanomami and their territory

The cutting up of Yanomami territory into 19 small and separate areas by a series of governmental decrees (Albert 1989) contradicts all evidence that the survival of this indigenous people depends on a continuous and sufficiently large territory in order to maintain the ecological equilibrium and the continuity of their specific ways of life. The argument that corridors between the 19 areas would serve as buffer zones is devoid of any sense, when we witness the actual invasion of tens of thousands of garimpeiros in full predatory activity both in the so-called corridors and within the declared Indian areas themselves. If any buffer zone were to be created it should be around the outer limits of the area as proposed by FUNAI in 1984 and reiterated in 1985, that is, over 9 million hectares of continuous territory. Moreover, such corridors do no more than cut through the organic chain of trails and streams that are the means of communication between the numerous Yanomami villages. In going from one community cluster to another, the Yanomami would be totally exposed by these corridors, having to cross regions that were taken away from them and occupied by alien and perhaps hostile populations.

Unfortunately, Brazil has more than enough of examples of this kind of interference to emphatically demonstrate how apparently innocuous corridors such as those proposed for the Yanomami lands results in severe damage to the forest by the exaggerated and inappropriate settlement of large populations from other parts of the country uninformed about the fragile balance of life in the Amazon. The first fifty kilometres of the Perimetral Norte highway, opened up in 1973-76, are testimony to the devastation that accompanies the destruction of the forest for roads or other kinds of corridors. Where once there was jungle throbbing with life, there is now an immense degraded expanse of impoverished land, displaying skeletons of charred trees that testify to a lush past. Out of this new desolate landscape regional populations try to extract a precarious living and doubtful future.

The rampant gold mining through Yanomami lands has had predictably disastrous consequences: from armed conflicts, the spread of often fatal diseases, the disappearance of game, - due to the constant noise and traffic of people aircraft and machinery, and of fish - due to the silting and mercury pollution of the rivers - to the total disruption in the means of communication between Yanomami communities. These means have been cut through, distorted, and even wiped out by the immense holes and gorges and the diversion of river beds made by the garimpeiros always en route to new mining sites. The Yanomami of the Paapiu area, which is the backbone of garimpeiro operations in the Couto de Magalhaes region, were in the early 80s one of the most traditional and typical mountain groups. They used to come down en masse to participate in ceremonies hosted by villages of the Catrimani river valley, many kilometres to the south, but by the end of the decade they had been reduced to a condition reminiscent of prisoners of war in their own land, under siege by the garimpeiros, transformed into cultural hostages to the invaders (Ramos 1989, Alberty 1990). The impact of the gold rush has been such that it has disrupted access to some of the traditional routes so laboriously cut and kept open by the Yanomami in order to allow their social life to flow from village to village, thus unifying them.

Even the communities that have not (as yet) directly suffered the effects of the actual presence of the miners and their noisy machines end up feeling the reverberations of the shock waves of that enormous social, ecological, and economic turmoil that goes by the name of gold rush. Epidemics that start at a given place spread out like wild fire through dozens of villages,

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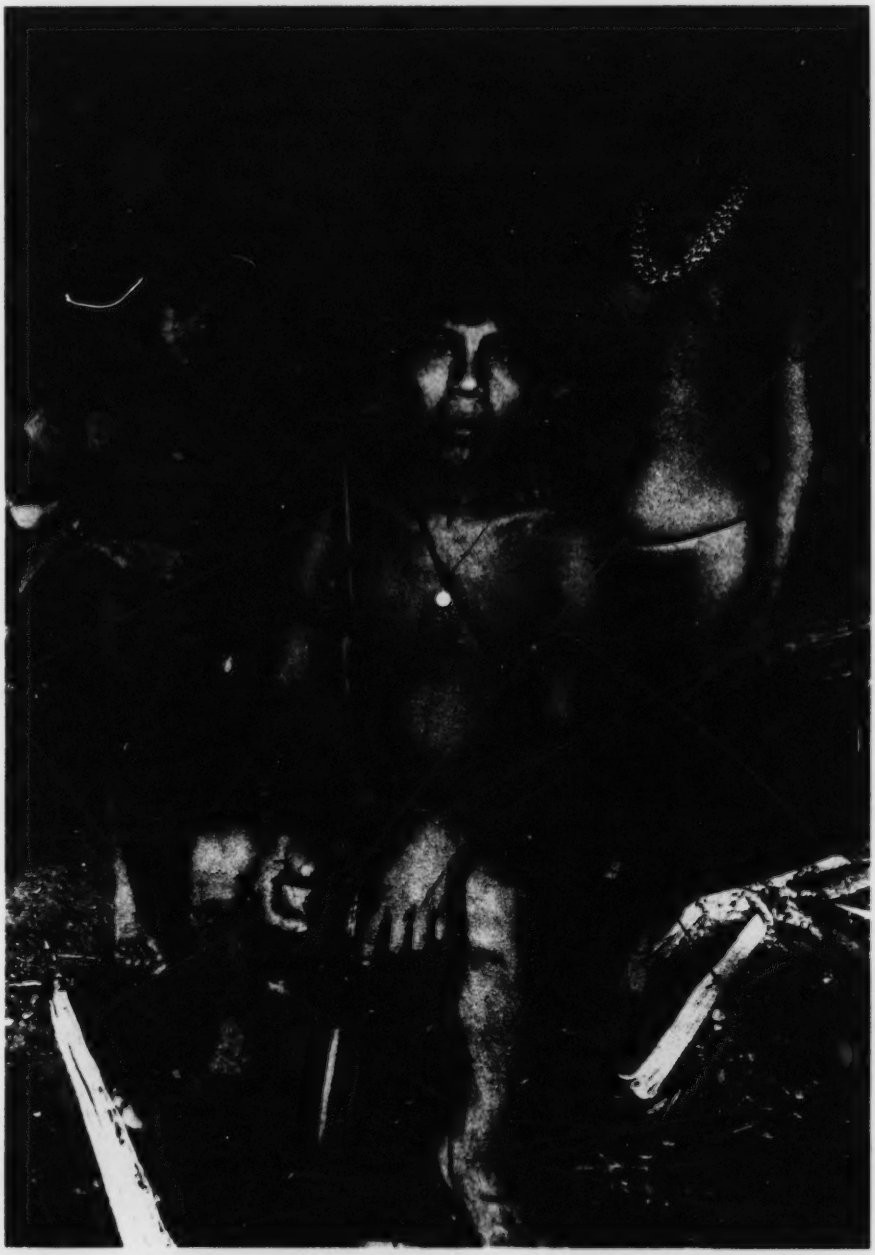
leaving a trail of pain and devastation. Tuberculosis, malaria, and the less dramatic but equally inescapable onchocerciasis, are diseases that mutilate or kill, some slowly, others like lightning, corroding the demographic balance of entire communities, endangering their production of material and cultural goods, not to mention their physical and social reproduction (*Acao Pela Cidadania 1990*). The garimpeiros themselves, not immune to such a pathogenic avalanche, and because of their great mobility are the main conductors of virulence. In fact, other parts of the country are being invaded with diseases that were either very rare, such as malaria (in the south), or unknown, such as onchocerciasis (in the state of Goiás). In turn, water pollution with mercury will affect all the populations living downriver from the mining sites, regardless of whether or not they experience the direct impact of the garimpeiros' physical presence. Contamination of the headwaters usually kills the fish along the whole course of a river.

These shock waves amplify the Yanomami tragedy at each new airstrip that tears open one more wound in the forest, at each new gorge that is deforested and gutted, at each new garimpeiro camp that exudes crime and pestilence. No community is immune to this process, not even across the international border in Venezuela. Like cancerous cells, the destructive effects of the gold rush spread throughout the arteries, veins, and capillaries of the great organic body that is Yanomami society.

Nevertheless, gold panning in and of itself does not have to be a large scale, predatory and deadly activity for the Indians. Up to 1987, some Yanomami groups panned their own gold on a domestic scale, without inflicting any abrupt or disastrous changes in their lives. In the Ericó region, the Yanomami first saw the garimpeiro wave pass through their territory in the early 70s. The miners, relatively few in number, headed north. They entered Venezuela, then were expelled, and returned to Brazil. Some continued to extract gold in the area, learned the Indian language (one of them ended up marrying a Yanomami woman and setting up residence in Surubai, a community on the border), and taught gold panning to the Yanomami with the most rudimentary technology. In 1985 I spent two months in Ericó and saw the most of the Yanomami men spoke Portuguese, albeit imperfectly, had their own mining sites, and exploited them much as they do their gardens. They would extract some gold whenever they needed money to go to town and buy what they wanted, such as clothes, salt, a record player, or ammunition. The fact that those goods are now part of their universe does not make them less Yanomami, for their beliefs, customs, language, worldview and other components of their tradition, although transformed, are still very much alive. For these Yanomami, gold mining had, at this time, become one more profitable domestic activity (Ramos et al. 1985).

If the Yanomami are to go on enjoying their traditional way of life, as well as the new wealth that rightly belongs to them, it is necessary to guarantee their territory and their exclusive right to use their natural resources. By allowing the mining invasion to continue, like a metastasis which spreads and destroys the lives and culture of the Yanomami, Brazil and the world will be faced with the bleak spectacle of the suffering of a wise and venerable people. We will carry on our conscience the weight of the



Yanomami family, Brazil. Photo: Claudia Andújar.

destruction of an enlightened culture and an environment that is as rich as it is vulnerable.

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1. The gravity of the situation is such that the Attorney General (*Procurador Geral da República*), Aristides Junqueira Alvarenga, has requested the application of law No. 2.889 of 1956, known as the "Genocide Law", on those who have been responsible for all Yanomami deaths. It is the first time in the history of Brazil that this law has been activated (*Jornal do Brazil*), 18 September, 1990; *Folha de S. Paulo*, 19. september, 1990; Correeio Brazilienze, 19 September 1990.

Constitutional Reform and Indigenous Politics

by Jorge Fava

ARGENTINA, South America

1. Introduction

At the present time in which the core of political society in Argentina is having an intense debate about the reform of the national constitution on issues such as: modification of the presidential system, restoration of a Prime Minister; reduction of the governmental term from six to four years and the possibility of a reelection of the Prime Minister; replacement of the electoral college through second balloting, etc.; we ought to look briefly at the indigenous question in the country and the socio-political status of the indigenous peoples in what we might call the "spirit", or even the letter of the Magna Charta and the national legislation in Argentina.

In Brazil the Constituent Assembly recently modified the National Constitution of that country and none of the nominated indigenous leaders obtained accession. (See Article 231 in the new Constitution of Brazil.)

Drawn up in 1853, the Argentinian Constitution is based on the Argentine reality and thinking, current in the past century. This model of the "liberal" conception involves in its text real contradictions, not to say open discrimination towards many sections of the society which it had pretended to organize.

In a real conquest and a territorial expansion (in 1853) at the expense of the indigenous nations, the central authority of the national community saw and interpreted the situation of the natives as an obstacle to their progressive aspirations, or merely as enemies of the fatherland.

Today, 137 years later and after the completion of "The Conquest of the Desert" and "Chaco's Campaign" at the end of the last century, and after the subjugation of the rights, the liberties and the dignity of the native peoples, the groundwork has been laid for the possibility of a constitutional reform.

The Head Office of Parliamentary Information states that: "The analysis of the gathered antecedents permit us to establish an evolutionary line in the Legislative and Executive powers in dealing with the indigenous issue. This line schematically indicates, and in a conventional way, the existence of various periods distinguishable by the orientation taken on consideration of the theme.

1. Offensive/defensive stage.
2. Submission/colonization stage.In this, differences can be observed depending on the predominance of the modes utilized in incorporating the indigenous into the society: the "reduction" or the propagation of their own values to civilization.
3. Stage of searching for a politics of integration.
4. Stage of a revaluation of "indigenous culture" (1).

In order to get this last stage directed efficiently towards a revaluation, the Executive and Legislative powers must advance qualitatively on the legislative contents which are not included in this postulate; a task which, as you will see, is going to be effectuated.

On the 14th and 15th of April 1984, and under the auspices of The Permanent Assembly of Human Rights (PAHR), The First Indian Meeting (Las Primeras Jornadas de la Indianidad)(2) was held in Buenos Aires in the presence of specialists and various leaders from many different ethnic groups inhabiting the country. There, after the exhausting sessions, the conclusions which had been reached by the workshops were edited and in which the political and religious standpoints, as well as denunciations and objections were made known.

We will now briefly analyze some of the indigenous agenda during the work-meetings, which ought to be taken into consideration when drafting the new, or at least, revised, Magna Charta.

2. Extract from the Ist Commission: Territorial Rights

2.1. "Regarding the laying of the groundwork, we cannot argue about the fact that the land belong to us because we work on it. The Indigenous Organizations, like e.g. The Indigenous Council of South America and the World Council of the Indigenous Populations who are represented before The United Nations (ECOSOC) raise this issue as Indigenous Nations, and not only as populations or tribals as it is stated in Convention 107 of the ILO or in Law No. 14.932." (3).

We ought to clarify that Law 14.932 confirms ILO Convention Nos. 87, 105 and 107, this last one refers to the protection and integration of the indigenous populations (revised in June 1987-89).(4)

The recent Law 23.302 on Indigenous Politics and Support to the Native Communities (5), sustains the same terms without recognizing the above-mentioned claim, although it introduces new aspects which improve the previous legislation.

In Article No. 7 of the same legal ruling, the provision of the terms of appropriation of land is kept in progressive wordings such as: "**suitable** and **sufficient** land for exploitation in the field of farming, forestry, mining, industry or handicrafts, according to the **suitable customs and mores** of each community...", or the handing over of: "...final land-rights to those who have uncertain and temporary rights....." (emphasis, ed.).

The above-mentioned law was returned

Table I. The Republic of Argentina: Indigenous Population, 1977

INDIGENOUS POPULATIONS	LOCATION (PROVINCES)	TOTAL POPULATION (*)
Matacos	Chaco, Formosa, Salta	23,884
Chorotíes	Salta, Formosa	1,113
Chulupí	Formosa, Salta	264
Tobas	Chaco, Formosa, Salta, Santa Fe (Buenos Aires and Rosario marginal neighbourhoods)	39,000
	Santa Fe and Chaco	9,805
Mocobíes	Formosa	2,800
Pilagás		
Chaguancos-Chiriguanos	Salta and Jujuy	27,680
Chanés	Salta	2,325
Guaraníes	Misiones	1,108
Collas	Jujuy, Salta and Catamarca	98,000
Diaguito-Calchaquí	Tucumán and Catamarca	61,100
Mapuches	Neuquén, Chubut, La Pampa, Buenos Aires and Santa Cruz	36,370
Quichuas and Aymarás	Jujuy, Salta (Buenos Aires marginal neighbourhoods)	38,500
Tehuelches mapuchicized	La Pampa, Chubut	278
(Aoni Ken) Tehuelches	Santa Cruz	183
Onas (Shelk'nam) mestizos	Tierra del Fuego	35
COUNTRY TOTAL		**342,445**

(*) Indigenous Population with "indigenous conscience" (this includes only those persons who have taken part in the census and who identify themselves as indigenous).

Source: National Service of Indigenous Affairs. Indigenous Association of the Republic of Argentina (IARA). Buenos Aires, 1976. Taken by I. Hernández, 1985.

from the Senate of the Nation to the Executive branch who introduced a series of reforms which were presented at the first extraordinary session in the Chamber of Senators on 12 February 1986, where they were left to sleep their magic sleep. Finally, in February 1989 and through Decree No.155/89, the National Executive Power regulated law No. 23.302. Furthermore, the corresponding decree establishes that the National Institute for the Indigenous Affairs (INAI) ought to constitute delegations in the northeast, coastal, central and southern regions of the country.(6)

3. Participation

3.1. "The Indigenous Nations are entitled to be represented whenever a problem arises which might affect them".(7).

This right is recognized in Article 5 of Law 23.302 which states: "The National Institute for Indigenous Issues is to be created as a decentralized body with indigenous participation which will sit directly under the Ministry of Health and Social Action....."

Elsewhere in this article it is mentioned that the representatives from the different Ministries will be appointed before the Institute specified thus:

"e) elected representatives by the native communities whose number, requisites and elective proceedings will be determined by the regulation."

4. Workshop III: Cultural Rights

4.1. "a) Repeal of Article 67, sub-paragraph 15 of the National Constitution because it demands the evangelization of the Indian which incites to ethnocide and contradicts the liberty of cultures" (8).

This is one of the most important points and it ought to be taken into consideration in a future Constituent Congress, because it openly puts forth the question of social discrimination and is in contradiction to Article 14, which recognizes freedom of worship.

"Article No. 67,25 - corresponds to the Congress: to provide the security of frontiers; to conserve the peace treaty with the Indians, and promote their conversion to catholicism". (Constitution of the Argentine Nation).

This aspiration is a pretension of the old Spanish Empire, when already in 1601, Philip III, through a monarchical mandate, recommended: "All of us ought to take care of the conversion of the Indians....". Starting from a mistaken paternalism, Mario Moreno turned these conceptions upside down in his "Juridical Dissertation on the personal service of the Indians", which he taught in the Royal Academy of Jurisprudence Practice in Buenos Aires in August 1802; his idea was reaped and presented to the Constituent Congress by the Deputy Benjamín J. Lavaysse, and subsequently it was transformed into article 67, sub-paragraph no. 15 of the Argentine Magna Charta(9).

In his work "Pure Theory on Law", Hans Kelsen writes:"... The Constitution may also determine the content of certain future laws prescribing or prohibiting this or that content....

"... Thus, when a modern Constitution establishes a list of basic individual rights, like e.g. equality before the law or the liberty of conscience, the aforementioned Constitution prohibits the sanction of laws

that consecrate *the inequalities between* the personal rights and those who would dispute some of the liberties that have been guaranteed them..."(10).

As we have seen, our Constitution departs from this fundamental principle (article 28) when prescribing rights and determining future legislative contents (e.g. article 14) which afterwards do not recognize a fraction (part) of the population except in its own context. The explanation to the exposed contradiction in article 67, subparagraphs 15 and 14 of the Magna Charta can be found in the fact that the indigenous populations have been granted a social-political status that is inferior to that of the rest of the nations's inhabitants: a posture which, at the same time contradicts article no. 16 of the same Constitution, that, furthermore, is supported by international agreements and declarations sustaining equal rights for every human being before the law.(11).

On the other hand, article 14 of law No. 23.302 on specific educational plans: "...those plans that are being implemented on the matter ought to guarantee and reevaluate the historical-cultural identity of each native community, **at the same time as it guarantees their equalitarian integration into the national society."** (The bolding is ours).

Law No. 14.932 (Convention 107) also refers to this point: "Article No.2 a) To allow those beneficiary populations, on equal footing, the rights and opportunities that the national legislation grants the rest of the constituents of the population."

This shows the existence of another clear contradiction between the prevailing Constitution and the Legislation as well as an underlying racism. (12).

After having reached this point, it is important to make clear that equality before the law ought to be based on the respect for differences, and therefore ought to be maintained on the thesis of indigenous organizations of "equality in differences" which is nothing but an institutionalised recognition (constitutional) of the existence of those populations and their respective ethnic-cultural specificities (see No. 5: politic and organization), based on the legal principles of the inviability of maintaining the same legislation for two different realities. Finally, after having understood that the social-cultural dissimilitudes are the result of the divergent quests and not the product of an evolutional backwardness of some (the indigenous) compared with others (western).

Argentina: Provincias

1 Jujuy
2 Salta
3 Formosa
4 Chaco
5 Catamarca
6 Tucuman
7 Santiago del Estero
8 Misiones
9 Corrientes
10 Santa Fe
11 Cordoba
12 La Rooja
13 San Juan
14 San Luis
15 Mendoza
16 Entre Rios
17 Buenos Aires
18 La Pampa
19 Neuguen
20 Rio Negro
21 Chubut
22 Santa Cruz
23 Tierra del Fuego

Concerning the religious topic, the text of law no. 23.302 is not clear, as it only appoints one representative to the Secretary of Worship before the Assessor Council without establishing anything else. In the meanwhile, Law No. 14.932 stipulates in its article 4.a, that one ought to : "to take into proper consideration the religious and cultural values..." towards ethnic groups; and in sub-paragraph b, is added that the changes ought to be effectuated: "...with the consent of the interested groups." The topic is still being handled with a certain vagueness or a total muteness, while the reality contradicts the article 4,b.

4.2. "XI - The article 76 of the National Constitution, which expresses that the President of the Republic should exercise Roman Catholic Worship, ought to be repudiated"(13).

This is another itching point which reformists have to face: to have the virtue of denying the proclaimed equality of individuals and the freedom of worship, capriciously limiting the political possibilities of important sectors of the global society, by putting a requisite that has nothing to do with the political organization of the Republic.

It would be inexact to speak of the freedom of worship or the equality among human beings, when the natives suffer a marginal situation in this aspect, determined by a strong ethnocentric subterfuge as revealed in the Magna Charta. For the indigenous Argentine, the actual legislation represents a confused jungle of contradicting and divergent laws in which even the best guide would easily lose his way.

Numerous ethnic groups suffer, due to this article, the same discrimination as the indigenous peoples, who are, according to our observation, also, relegated in other issues. The huge number of Catholics who live in the country is not a sufficient argument to justify injustice or marginalisation.

5.- Workshop IV: Politics and organization

5.1. "In order to obtain equitable participation between the indigenous and the occidental cultures, the State of Argentina ought to recognize the indigenous populations as amended in the Constitution so that Argentina will be a multicultural and multinational confed-

eration. This way everyone ought to have the right to self-management and to develop their own culture according to international law".(14).

This claim for national power contradicts the logical aspirations for self-determination, a fundamental thesis for the organization and participation of the indigenous populations within the total and multicultural configuration of Argentina. (See No. 1: territorial rights). In this respect, Adolfo Colombres stipulates: "The change, which is already a constant recognition in every culture, in this case the indigenous... converts into a necessity on which the survival as ethnics depends. But such a change ought to arise from the same group, to be fully assumed by this group, and it should not be the fruit of an external imposition, directed in order to change the facade to maintain the basic asymmetry in the relationship of domination...."(15).

6.- Self-Determination and Declaration on Indigenous Rights

But beyond the "institutionalized" discrimination and racism, the internal colonialism of the national society towards the indigenous groups acquires a characteristic complexity in a reality which we do not want to see perpetuated. In the month of April 1982 and during the government of the military dictatorship, the recovery of our Islas Malvinas (Falkland Islands), from the hands of England, the invading power, was discussed intensively in the international forum as well as in our own country. The situation of the "kelpers" (a name which is given to the inhabitants of the islands) as second class citizens under the British Empire, was what really encouraged the critics and made them question the ethics of a State which is certainly colonialist. The English claimed and still claim the **self-determination** of the insular population (of Anglo-Saxon origin since the original Argentine inhabitants were expelled long ago -1833-) as the key to settle the sovereignty problem in dispute. The population's own will as the doctrine states, to decide their own destinies, is the central issue (topic) of Argentine foreign policy, which is included in all international conflicts as an inalienable principle (Nicaragua is one of the recent examples); but it was refused in the Malvinas issue because it dealt with an implanted population, without the possibilities for self-determination.

This is certainly true, but let us analyze the problem from an indigenous point of view: our so-called national community will then be an implanted population compared to the autonomous indigenous groups (16). Will we make native self-determination possible? According to Gregorio U. Guardian: " Self-determination implies decisive and equal participation. You have to manifest in the free and conscious direction that the indigenous populations assume in the formulation, execution, evaluation and modification of the politics or programs that concern them in order to be subjects or protagonists of their own history".(17).

Contrary to what some national states have supposed, not without dishonesty, indigenous self-determination does not lead to a separatist attitude or the superimposing of one State on another; but as Bonfil Batalla reasoned that on a national scale, they are looking for the space to be encountered in diversity, while, concerning the rest, every ethnic should follow his or her own way of development.

Now, let us look at the fundamental aspects of indigenous rights as they were defined at The Fourth Meeting of the World Council of Indigenous Populations (WCIP) which was celebrated in Panama from September 23-30, 1984 with the participation of approximately 300 native representatives from 23 different countries.

Declaration of Indigenous Rights:

Principle 1. All the indigenous populations have the right to their self-determination. In virtue of this right, they can freely determine their political status and freely follow their economic, social, religious and cultural development.

Principle 2. All the States in which there are living indigenous peoples ought to recognize the population, the territory and the institutions of the indigenous populations.

Principle 3. The culture of the indigenous populations constitutes part of the cultural heritage of mankind.

Principle 4. The traditions and customs of the indigenous populations ought to be respected by the States and recognized as a fundamental and legal source.

Principle 5. All the indigenous populations have the right to determine the person or the group of persons to be included in their population.

Principle 6. Every indigenous population has the right to determine the form, structure and authority of its institutions.

Principle 7. The indigenous population's institutions and its decisions, as well as those of the States, ought to be in accordance with the principles of human rights which are internationally accepted, both individual and collective.

Principle 8. The indigenous populations and their members have the right to participate in the political life of the State.

Principle 9. The indigenous populations ought to have exclusive rights to their traditional territory and its natural resources; in cases where the exclusive rights to the indigenous population's traditional territory and natural resources have been taken from them without their free consent and information, these territories and natural resources ought to be returned.

Principle 10. The territorial rights of the indigenous populations include the rights to the surface and the subsurface, complete rights to inland waters, to the coasts and the rights to the economic and specific coastal zones within the limits of international law.

Principle 11. All the indigenous populations can, according to their needs, freely make use of their wealth and natural resources according to Principles 9 and 10.

Principle 12. No action or any kind of behaviour, direct or indirectly, can be effectuated, if it results in the destruction of the earth, air, water, ice in water, animal life, habitat or natural resources without the free and informed consent of the affected indigenous populations.

Principle 13. The original rights to the material culture which include archaeological sites, artifacts, designs, technology and artistic works from the indigenous populations belong to themselves.

Principle 14. The indigenous populations are entitled to receive education in their own language or to establish their own educational institutions. The indigenous population's languages ought to be respected by the States in all the negotiations between the indigenous populations and the State on the basis of equality and non-discrimination.

Principle 15. The indigenous populations have the right to be consulted beforehand, and to authorize the realization of every technological and scientific investigation to be carried out on their territories, as well as to be informed and to have complete

access to the results of the investigation.
Principle 16. The indigenous populations are entitled, according to their traditions, to travel freely and to realize their traditional activities and to maintain relationships across the international borders.
Principle 17. Treaties between indigenous nations or populations and representatives from the States, which freely have been brought into agreement, ought to be maintained and implemented according to national and international law" (18).

7. Conclusions

Our society ought to accept that Argentinean native groups obtain in the political-cultural space equitable participation, with the purpose of moulding a common identification models starting from the knowledge and the respect for the differences that we possess as populations; in this way we can avoid the negative cultural colonialism that today still regulates our inter-ethnic relations (19).

The present possibility of a constitutional reform offers a new opportunity for a revision of past injustices, thus enabling the present and future generations of indigenous peoples to grow in liberty, and to participate in the construction of a more just society.

Notes:

1) Dirección de Información Parlamentaria: Tratamiento de la Cuestión Indígena. Congress of the Nation. Buenos Aires, april, 1986. Page 13.
2) APDH: Primeras Jornadas de la Indianidad. Buenos Aires, 1984.
3) Idem, pp. 29.
4) Boletín Oficial, 29/XII/59. This law was not regulated, and an application organism was not created either.
5) Boletín Oficial, 12/11/85.
6) Diario Clarín. Buenos Aires, 18/02/89 and Revista HUICO No 35. S.S. de Jujuy, June, 1989. Pp. 29.
7) APDH: ob. cit., pp. 29.
8) Idem, pp. 31.
9) BIEDMA, José J.: Crónicas Militares. Antecedentes Históricos Sobre la Campaña Contra los Indios. Buenos Aires, 1975. Pp. 145.
10) Kelsen, Hans: Teoría Pura del Derecho. Introducción a la Ciencia del Derecho. Buenos Aires, 1960. Pp. 148.
11) Universal Declararion of Human Rights:
Article 1. All human beings are born free and are equals in dignity and rights, and endowed as they are with reason and conscience, they ought to treat each other in a brotherly way.
Art. 2-1. Everyone possesses all the rights and liberties proclaimed in his Declaration, without any distinction of race, colour, sex, language, religion, political opinion or of any other nature, national or social origin, economic position, birth or any other condition." (General Assembly of United Nations, December 10, 1948).
12) "... on the one hand - says Isabel Hernández - the national societies recognize juridical equality of rights for everyone of their members, it is necessary to specify

Mocovi indians, Province of Santa Fe, Argentine. Photo: IWGIA archives.

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that this equality ought to embrace the integrants of the different ethnics, and, on the other hand, the society, as a matter of fact, proposes an unequal and condemnatory treaty towards the representatives of the races that are socially disqualified.
This contradiction means an affirmation that conveniently reiterates: if in the Americas, the inborn discrimination as historical justification for the genocide of the Discovery, subsisting as a necessity to legitimize the economic exploitation that actually is exerted upon the native farmers. For every dominating nation, the dominated people are and continue to be looked upon as "barbarians and heretics" because the nation needs to justify their own barbarity in the submission act, disqualifying for always the subjugated. "(Los Indios y la Antropología en la Argentina. In: Los Indios y la Antropología en América Latina. Buenos Aires, 1984. Pp. 39).

13) APDH: ob. cit., pp. 32.

14) Idem, pp. 33.

15) COLOMBRES, Adolfo: Hacia La Autogestión Indígena. Quito, 1977. Pp.25.

16) About the conceptualization of "the foreigners" which some sectors of the national society applies on the Mapuches and other ethnics, Dolores Juliano emphasizes: "...Let us start with analyzing the mechanism according to which it is considered that a great part of our indigenous population is "foreign". For example, the rationalization, according to which the Mapuches are Chilean immigrants and therefore their problems do not concern us directly. In addition to being an incongruent interpretation compared to the migratory characteristics of the country, it constitutes an evident historical manipulation. The Mapuche territory precedes the existence of Argentina and Chile, and it covered both sides of the Andes with different parties, but inter-related. Furthermore, there is still a dispute going on between the specialists, whether the original ethnics originated from the Pampean plains or not. When the expansion between the two states resulted through the conquest of indigenous territory, this split up, leaving the part with the major population density incorporated into Chile. The fact that the indigenous displacement did not have this borderline in mind does not authorize assigning them a Chilean nationality as a whole, that in some cases correspond with their self-description but in a lot of cases it does not. " (El Discreto Encanto de la Adscripción Etnica Voluntaria. In: Procesos de Contacto Interétnico. Colonialismo Interno. Boletín IWGIA. Vol. 8. Nos. 1/2 Copenhagen, May, 1985. Pp. 125-27.

18) Boletín IWGIA. Vol. 5, Nos. 1/2 Copenhagen, May, 1985. Pp. 234 y 235.

19) On this policy Miguel A. Bartolomé and Scott S. Robinson expresses the following opinion: "...Only the position and the revalorization of the self-image is what permits them to oppose, on equal terms, the image of the scientific ideology that operates as a philosophical justification regarding the actual indigenist **praxis**... This means that the indigenous populations can act as a political conscience starting with their own ethnic conscience...". And further on they add: "The comprehension of the fact that the indigenist sociopolitical model constitutes a cultural alternative, as legitimate as others, increases its value if we consider it, not only as a **value in itself** but also as a **value for**. This way we can see that the indigenist model, in terms of their own internal-external dialectic, constitutes a cultural structure, whereas their survival becomes necessary. Because the survival of the model is essential to the ethnic identity and this again is necessary to the political conscience, it shows that the struggle of the ethnic minorities for their liberation fits the reaffirmation of their identity, in opposition to those models imposed by the West. "(Indigenismo, Dialéctica y Consciencia Etnica. In: Los Indios y la Antropología en América Latina. Buenos Aires, 1984. Pp. 183 y 186).

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Mapuche indian, Neuquén, Argentine. Photo: Alejandro Parellada.

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Autonomy or Assimilation?

Reply to Mario Vargas Llosa

by Evaristo Nugkuag Ikanan
President, COICA

Approaching the 500 year anniversary of the colonization of America, diverse and alternative interpretations upon the significance and consequences of this event (or historical tragedy) have appeared. Once more, there are many who want to intervene in the destiny of indigenous peoples, doing it externally and from "above" us. An example of this is the article by Mr. Mario Vargas Llosa published in Harper's Magazine from December 1990, where he proposes the modernization (and assimilation) of the indigenous peoples in order, supposedly, to vanquish hunger and so they can live in liberty.

This proposal (or threat) is not a novel one, notwithstanding that, it astonishes with its arguments, but it is important to analyze it because it concerns an international personality and an ex-presidential candidate of Peru. Therefore the Coordinator of the Indigenous Organization in the Amazon (COICA), representing more than 300 indigenous groups, presents its opinion about the article, "Questions on Conquest", of the above mentioned intellectual.

Vargas Llosa begins asking himself why the conquest of the Inca Empire, which was so developed, by a handful of adventurers was possible, and decided to resort to descriptive history, like his professor Raúl Porras Barrenechea, and not to a social and economical interpretation. He finds the answer in the supposed inability of the *Quechua* indians, to make independent decisions, as a consequence of living in a totalitarian and theocratic society. As opposed to those few conquistadors, were part of a culture where the individual is the source of values, the culture of liberty, and the most powerful civilization in the world (p. 51). Nevertheless, this promise of "individual sovereignty" is not yet fulfilled and, for the author, Peru and Latin America are simply "the artificial and forced union of different customs" (page 51), through the fault of the Americans and not of the conquerors. Moreover, he proves that the "economical gap" edges out the indigenous peoples into misery and, considers that our integration into the national society ought to occur through our modernization (and assimilation) asking us to pay the price of renouncing our indigenous cultures. In the same way, he clarifies that this is realistic, although tragic, and makes him sad. Finally, he gives us the example of the supposed process of extermination of the *Machinengas* in Peru and concludes with the appeal to "write in real life" the masterpiece (p. 53) of this modernization, the great crusade which we surmise Vargas Llosa started in Peru with the political fiasco of the Liberty Movement of 1990 and in which he probably will continue to insist upon.

This is, in synthesis, the proposal and its foundation, and now it is time to analyze it in dept. In our indigenous world, it would be enough to repute the tyrannical attitude of an intellectual who does not have any right to propose the cultural destruction of one and a half million Amazonian inhabitants, who are as free as he is to decide our own destiny. However, it is also necessary to analyze the contradictions, ignorance and lack of knowledge that have led to this mistaken proposal.

Vargas Llosa is mistaken when he rejects the social character of our history and prefers the opinions of isolated individuals. He does not like the history of social change, but he contradicts himself when he proposes its modernization in what is a profound and terrible social change. Also, he sees the *Quechua* peoples whom he considers, and supposedly all the remaining Indians of America, as incapable of taking their own decisions, and for whom "the free determination was impossible in those prehispanic swarming societies" (p. 51); because there was, and there is vitality in our cultures. That is the reason for resistance of the Pre-Inca indigenous peoples (among them the Amazonians) to the Quechua dominance, the Quechua resistance under colonial domination, the great rebellion of Tupac Amaru, which the same author mentions.

Another error is to consider that the conquerors represented "the culture of the individual as the source of values", and that "colonial society allowed, and which the Inca empire could not, the creation of the individual as the sovereign source of the values with which society is judged". (p. 50). The 14 million indigenous corpses that the colony produced, and the feudal wars in Spain, are sufficient to dismantle this theory.

The author does not explain why, five centuries later, this promise of individual sovereignty is not yet fulfilled and why this "economic gap" which affects the indigenous, exists. He says only that the cause is not the Conquerors; but precisely what has been maintained during all this time is the continuity of the colonization of these peoples, under different legal forms, but affecting our territorial, social and political self-determination.

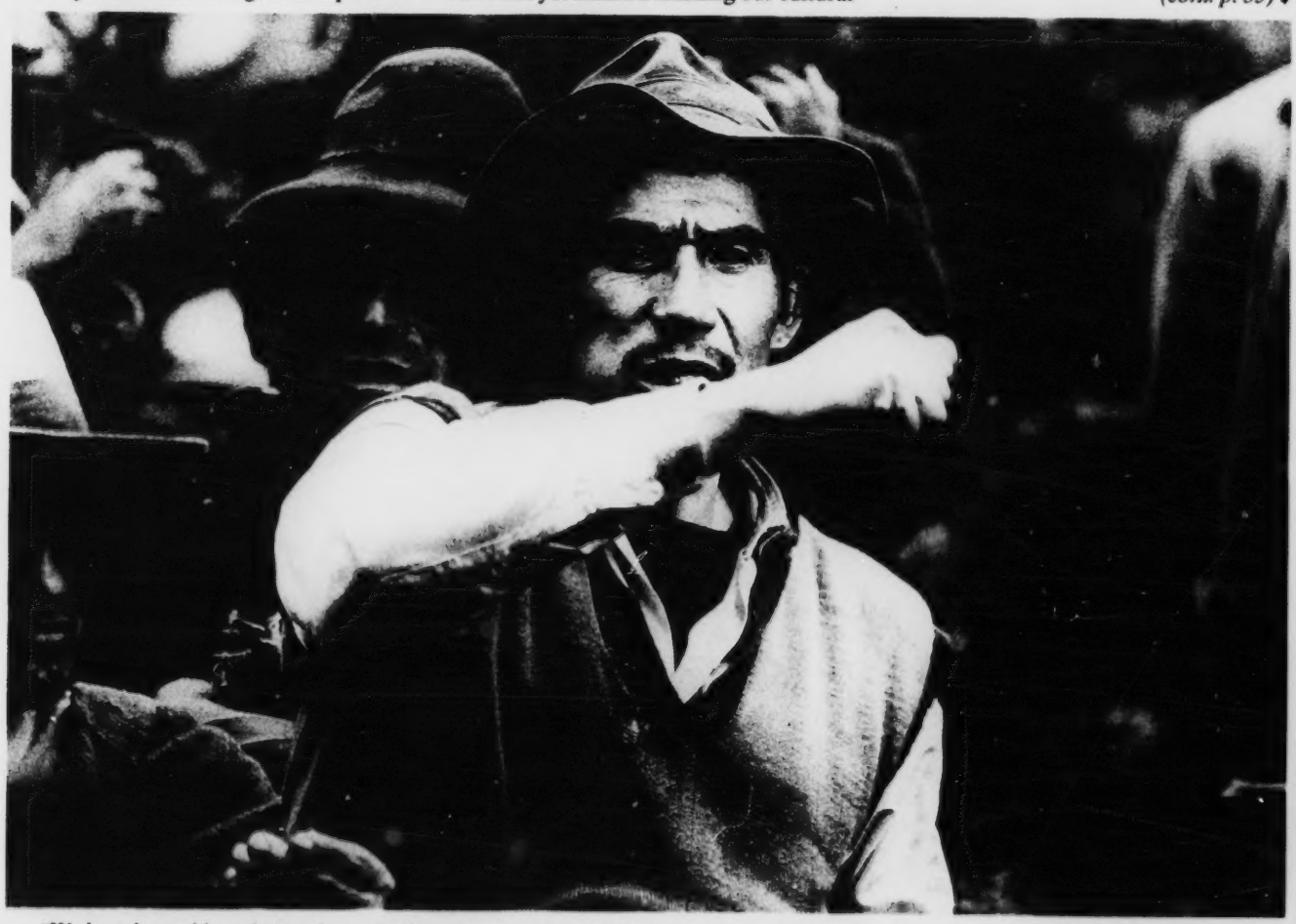
Up until here the novelist has presented

us with arguments that are contradictory, with historical errors and important gaps in his explanations. With this vague basis, he intends to proceed with the conclusions and proposals. Here appear arguments of a political nature, like the controversial one that says that western culture is the culture of liberty and individual sovereignty and, therefore, the most powerful in the world (p.52). This is a position of the defense of colonial and western culture, in spite of its crisis and therefore aproaches the proposals in a conservative way, justified as realistic. Vargas Llosa admits "that maybe there is not a realistic way to integrate our societies without asking that the Indians pay a high price: to renounce their culture, language and beliefs" (p.53); "if I was compelled to choose between the indian cultures and their complete assimilation, I would, with great sadness, choose modernization and the first priority is, of course, to fight misery and hunger"; "it is tragic to destroy what is an existing cultural possibility, even when it is archaic, but I fear that we must make a decision" (p. 53).

It sounds like the same voice from the different politicians and authorities who have been insisting on this assimilation, which has produced only marginalisation and exploitation during these 500 years, which in a contradictory way, the author recognizes when he points out the indigenous extermination in the Amazon in the name of progress (page 45), the extermination in Guatemala, and the apartheid. During five centuries, indigenous populations have survived, and together with us, the rainforest. Now, this western type of modernization will, in a short time, be a threat, being the cause of deforestation and exploitation which everyone has been reporting. The novelist calls us an archaic culture, and he is sad about proposing the acceleration of our cultural destruction: the ones that maybe ought to answer him are the most modern scientists and ecologists who have not yet finished learning our cultural wisdom on how to coexist with the rainforest and how to use it without destroying it. Their latest discovery is "sustainable development", which our ancestors practised in their daily life.

How could it be possible that Vargas Llosa ignores the fact that in his country, Peru, the indigenous populations fight with tenacity to obtain the respect to their own "free individual decision" through the 25 federations integrated in the Inter-ethnic Association for Development in the Peruvian rainforest (AIDESEP)? Doesn`t he know that in the South American Amazon, the one and a half million indigenous inhabitants comprising 300 populations, are organized into more than 80 local and national federations in the Union of Indigenous Nations (UNI) in Brazil, the Confederation of the Indigenous Nationalities in the Ecuatorian Amazon (CONFENAIE), the Organization of the

(cont. p. 35)



"We have been able to do it and we will always be, we only need freedom of conscience and freedom as a nation, which today are very far away from us because of oppression and colonization". Indigenous people from the Ayacucho region, Peru. Photo: Niels Nyholm.

LATE NEWS · LATE NEWS · LATE NEWS · LATE NEWS

Philippines: Volcanic Eruptions

Thousands of families belonging to the Aeta people were forced to flee their homes following the eruption of Mount Pinatubo in Central Luzon, Philippines. Those escaping the eruption were forced to seek shelter in evacuation centres in surrounding provinces.

The Aeta people living in the slopes of Mt. Pinatubo were the first group to be evacuated. The effect of the evacuation is most pronounced among the most vulnerable victims, the Aeta people. The environment in the evacuation centres were markedly different from the surroundings the Aeta were used to.

The Aeta evacuees are also subject of discriminatory reports from the radio and television broadcasts and newspapers depicting them as savage and uncivilised people.

Mount Pinatubo's eruption made a wasteland out of the towns located around it because of the thick ash fall, lava and mud that covered the lands. Some Aeta folk described how their homes had been destroyed by at least one meter of mud and sand. Their farms were similarly covered with sand and boulders. Many villages had been wiped out by the mud flow and ash fall.

It was not known how long the Aeta evacuees would remain away from their lands. Experts are saying that the ash-covered land would remain unproductive for at least 2 to 3 years. But estimates vary as some say that this would take as long as 15 years.

To fully understand the tragic situation of the Aeta some remarks about their history are necessary. The Aeta people residing on Mount Pinatubo were originally inhabitants of the coast and the lowlands. The slopes of Mount Pinatubo were, as a matter of fact, already their last refuge. They were driven to the mountains because of abuse and exploitation of their culture and of landgrabbing. Historical accounts relate that, during the early 20th century, Aeta children were sometimes kidnapped and sold for slavery.

The vast tracts of land now occupied by the Subic Naval Base and the Clark Air Force Base of the United States were once part of the Aeta ancestral domain. The Aetas have never been payed for this land.

In recent months, despite the great tragedy brought about by the volcanic eruption, the Cordillera interior of Northern Luzon was the scene of massive military deployment.

Thus, while the Aetas were being displaces from their homes, the Tinggians of Abra, the Kankanaeys of Mountain Province and the Kalingas of Kalinga-Apayao were also being forced to evacuate due to the continuous bombing and straffing operations of the military in their villages. it is indeed very sad that while the world is concentrated on delivering relief goods for the people affected by the natural disaster, the Aquino government is spending millions of pesos a day to continue its destructive rampage in the Cordillera. Once again, not only the Aeta, but also the people of the Cordilleras are facing the very real threat of extinction from the hands of a government widely viewed as a humane one.
(Source: TABAK; CPA) ❑

Bangladesh: The Recent Developments in the Chittagong Hill Tracts

In December last year democracy was reinstalled in Bangladesh. In order to put pressure on the new government to change the former regime's military suppression of the tribal peoples in Chittagong Hill tracts the following statement was submitted to the UN.

In decision 1989/109 the Sub-Commission expressed its thanks to the government of Bangladesh for the progress made in respect of the treatment of its tribal population.

Unfortunately, information given to the "International Chittagong Hill Tracts Commission" during its recent visit to Bangladesh and India clearly shows that this conclusion was premature.

The findings of the International Commission have already been summarised in document E/CN.4/Sub.2/AC.4/1991/5.

During its stay multi-party democracy was restored in Bangladesh. This gave hope for a substantial improvement in the human rights situation in Chittagong Hill Tracts. However, the Chittagong Hill Tracts are still under tight military control and gross violations of human rights are prevalent throughout the area.

Furthermore, since the fall of the Ershad regime all District Councils in Bangladesh have been suspended, except for the three District Councils of the Chittagong Hill Tracts. These were established in 1989 under procedures implemented by force and intimidation which were heavily criticised by the International Commission.

Since 1979 over 400,000 Bengali settlers have been transmigrated from the plains to the Hill Tracts taking over land belonging to the hill people. Property rights of the hill people, recognised by Bangladesh law have been contravened as settlers have illegally occupied land belonging to the indigenous people.

The militarisation of the Hill Tracts is not only confined to the tribal people. The largely involuntary relocation of hill people into cluster villages has been paralleled by a similar process, confining Bengali settlers into military controlled guchchagrams. Large numbers of settlers expressed to the Commission their desires to return to the plains.

At the launch of the Chittagong Hill Tracts Commission Report in the House of Lords, London on May 23, 1991 Wilfried Telkämper, vice-president of the European Parliament stated that an enormous percentage of Bangladesh's national income is spend on military oppression in the hill tracts. In spite of being one of the poorest countries in the world Bangladesh appears to make the intense militarisation of the hill tracts a priority, adding further to its already overwhelming problems.

The Commission recommends that the great step to multiparty democracy which took place in December 1990 be extended to cover the whole country. As yet, the Chittagong Hill Tracts alone has not benefitted from the freedoms emerging throughout the rest of Bangladesh. All further settlements by outsiders into the hill tracts should be stopped. Vast numbers of Bengali settlers in the hill tracts want to leave, but have no means to do so. Voluntary relocation should be discussed in the context of foreign aid support. Cluster villages should be dismantled and an independent investigation of title to land and

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illegal occupants take place.

Demilitarisation of the Chittagong Hill tracts must be a priority and autonomous political institutions established following a referendum for the hill peoples. The District Council laws should be repealed or amended..

The signatories of this statement are gravely concerned about the many violations of human rights which have taken place in the Chittagong Hill Tracts as documented by the International Commission. Most of these violations occurred before the new Bangladesh government took over.

However, there have been reports on recent atrocities against the hill tribes. Furthermore, the effect of the recent cyclone on the Chittagong Hill Tracts has been much neglected, and there has been reports that no emergency aid has been sent to the people of the region.

We are confident that the new regime in Bangladesh is able and willing to change radically its policy towards the Chittagong Hill Tribes people and to improve the human rights situation in the region.

We strongly urge that the United Nations appoint a special Rapporteur or provide a person under its advisory services to work with the Bangladesh government, the ILO and competent NGOs to assist and monitor the changes in policy recommended by the International Commission.

Written statement to the Sub-Commission of Prevention of Discrimination and protection of Minorities to be considered under item 15 "Indigenous Peoples" at the annual meeting, August 1991. This statement has been submitted by the following NGOs with consultative status to the UN (Ecosoc):
The Nordic Saami Council
Inuit Circumpolar Conference
Anti-Slavery International
International Work Group for Indigenous Affairs (IWGIA). ❑

Ecuador: Indians occupied the Parliament building. (*)

On the 28 of march 1991, 100 members of the Confederation of Indigenous Nations of Ecuador (CONAIE) occupied the Parliament building in Quito and demanded constitutional recognition of Ecuador as a "multi-ethnical and multi-cultural" nation, and an amnesty for 1.000 peasants charged with offense under the penal code.

The President of the Parliament, Edelberto Bonilla, has agreed to include their demands in the agenda of the forthcoming parliamentary sessions.

CONAIE's President, Luis Macas, warned that if the indigenous demands are not met, they would build their own Parliament and Government.

"The indigenous people", said Luis Macas, "have come to the Parliament because it belongs to us. We are here because it is supposed that this house is for the people and not only for those who defend the oligarchy in this country". The leader of CONAIE remarked that since 1979, when Ecuador returned to the democratic system, the indigenous people did not get any benefits from the Parliament and "...some day, at this place which today is property of the oligarchy, the people wearing a "poncho" are going to sit here and will legislate for those who are starving. This place has to be the place of the workers, the peasants, the indians, the negroes and the poor of this country, those who never have had the opportunity to come here and do something to change the situation of injustice we are living in." (**)

The reaction of the cattle-ranchers association called for "clear government action" and warned about the international pressures aimed at "setting the country alight, in the context of the 500 years of America's discovery". The Armed Forces sent a letter to President Rodrigo Borja calling for curbs on "the activities of extremist movements and international groups, who take advantage of the natives ingenuousness to attempt to set up an indian state."

(*) IPS, 30/5/91
(**) "Hoy", Quito, 29/5/91 ❑

Brazil: Cholera Epidemic Spreads Swiftly in Amazon River Area

Cholera epidemic which entered Brazil from Peru earlier this year is spreading swiftly in the country's Amazon area. Most cholera cases had occurred in riverside communities, and the rivers involved flowed into Brazil from Peru.

The epidemic erupted on January 22 in the Peruvian coastal town of Chimbote, 422 kilometres north of Lima. More than 200.000 cholera cases have been reported in Peru and the death toll is more than 2.000.

About 20.000 cholera cases have been diagnosed in Ecuador, and several hundred in Colombia. Bolivia and Chile have also been affected by the outbreak, but to a lesser extent.

Latest reports from the Peruvian health authorities suggest that the epidemic has reached its peak and is beginning to decline, probably due to the onset of cooler winter weather.

Sources IPS. jul. 17. ❑

Brazil: Yanomami lands

On 19th of April last, the "Day of the Indian" in Brazil, President Collor de Mello signed a decree prohibiting the exploitation of mineral wealth in the territory of the Yanomami indians and at the same time establishing a commission to study the definitive demarcation of the Yanomami reserves.

This decree effectively reverses the permission given by the previous government of Jose Sarney (1985-90) which legalised the search for gold by the so-called "garimpeiros", and the extraction of metals in areas close to the lands of the indigenous. The previous government also decided that the Yanomami could live on a reserve composed of 19 separate zones within the State of Roraima, bordering on Venezuela. The new decree seeks to recognise the Yanomami lands as one complete area and to prohibit the extraction of minerals and other products.

Finally, on the 25th of July last, the Diario Oficial published resolution no. 02/91 of FUNAI, the delimitation of Yanomami territories in a single continous area of 9,419,108 hectares in the States of Roraima and Amazonia. Now it only remains for President Collo de Mello and the Minister of Justice to respect the proposal

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of FUNAI, they have a time limit of 30 days.

At the same time a strong pressure can still be felt against the reserve for the Yanomami. The Military Academy (La Escuela Superior de Guerra) is circulating privately a document pointing out the imminent danger of the "internationalisation" of Amazonia. The military commander of Amazonia, General Agenor Santa Cruz states that the Army will turn the Amazon into a Vietnam if external groups try to internationalise it. On the other hand, the governors of the States of Amazonia have met during the first days of July to find an agreed position on the utilisation of the natural resources of the rainforest. The governor of Amazonas proposes the return of fiscal incentives for farming and stockbreeding in the region.

Expulsion of the "garimpeiros"

As a result of the final decision on demarcation, the Federal Police and FUNAI recommenced the removal of thousands of "garimpeiros" from Yanomami lands in Roraima. On the first day of the operation a total of 13 aeroplanes were fined and 10 landing strips were closed in the Boa Vista area. ❑

I.L.O.: Notification of the coming into force of the Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Article 38 of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), adopted by the International Labour Conference at its 76th Session on 27 June 1989, provides that the Convention shall come into force twelve months after the date on which the ratification of two members of the International Labour Organisations have been registered.

The ratification by Norway and Mexico were registered by the Director-General of the International Labour Office on 19 June 1990 and 5 September 1990 respectively. The Convention will accordingly come into force on 5 September 1991.

The present notification is made in accordance with the provisions of Article 38 of the Convention.

In conformity with Article 20 of the Constitution of the International Labour Organisation, this convention will be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. ❑

Arctic Leaders Summit

From June 17-20 indigenous leaders from Alaska (USA), Canada, Greenland, Norway, Sweden, Finland and USSR met in Hørsholm, Denmark for the first Arctic Leaders Summit. We reprint the Declaration and one of the statements which were adopted at the end of the meeting.

Declaration of the Arctic Indigenous Leaders Summit.

We, the Representatives of the indigenous peoples organizations of the Arctic, being the Inuit Circumpolar Conference, the Nordic Saami Council, and the USSR Association of Northern Small Peoples;

Meeting in Hørsholm, Denmark for the first Arctic Indigenous Leaders Summit to seek greater mutual understanding and to further our cooperation;

Having **respect** for the traditional and continuing stewardship of our lands, waters, plants and animals, and for the traditional knowledge of our peoples;

Deeply **concerned** for the health, well-being and ultimate survival of our peoples, including recognition of our nutritional needs and the rights of renewable resource harvesters, and for the protection of our Arctic environment, both now and in the future;

Ever **aware** of the changes which have affected our peoples, our lands and our rights to decide for ourselves what our future shall be;

Recognizing that there is only one Arctic, and that we share one future together;

Affirming the requirement for sustainable and equitable development in our homeland;

Requiring state governments to recognize and accommodate the rights of aboriginal peoples to self-government, lands, renewable and non-renewable resources, and to recognize their cultural, social and economic rights;

Commending the Arctic governments for their close cooperation with our organizations in the process leading up to the Declaration of Rovaniemi, and calling on those Arctic governments to fully implement the spirit as well as the words of the Declaration and of the Arctic Environmental Protection Strategy;

Arctic indigenous peoples **desire** not only to survive, but to thrive as indigenous peoples into this 21st Century. Arctic governments must take affirmative initiatives immediately to work with their indigenous peoples to bridge the rapid global change which impacts our peoples. Adequate resources must be made available by the governments to meet the real social, health, economic and educational needs of the indigenous peoples. New partnerships between the governments and the indigenous peoples must occur to meet the often overwhelming challenges of this rapid global change. Maximum self-determination of the indigenous people is desired.

We **adopt** as consensus statements of the Summit, the following:

1)Statement on Subsistence, the Traditional and Direct Dependence on Renewable Resources

2)Statement on Renewable Resource Harvesting

We **agree** to continue the collaboration begun here among the Arctic Indigenous Leaders by holding our Second Summit in 1993 to be organized by the Nordic Saami Council.

We further **agree** that in order to advance our mutual concerns, we will initiate a process leading up to the Second Arctic Indigenous Leaders Summit, to include the following issues:

-renewable resource harvesting and subsistence rights;

-traditional ecological knowledge; and

-the mandate and role of existing and future organizations relevant to the Arctic

Statement on Renewable Resource Harvesting

The Arctic indigenous peoples share a common bond in our direct dependence upon the living resources of our homelands in meeting nutritional, cultural and eco-

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nomic needs. We are the stewards of the natural environment. As self-regulators and managers, we have always maintained responsible practices of sustainable development. We live in a continuing harmony with our environment. We are the first and foremost environmentalists and conservationists. We ask that all peoples and governments recognize and affirm our livelihood and identity as harvesters of wildlife.

Principles

1.The harvesting of renewable resources by indigenous peoples for our nutritional, cultural and economic needs is a fundamental and inalienable right, recognized by international law, including the International Convention on Social, Cultural and Economic Rights and the International Convention on Civil and Political Rights.

2.Renewable resource harvesting as practised by indigenous peoples, has been recognized by the World Commission on Environment and Development (known as the Brundtland Commission) and is a vital component of any strategy for sustainable and equitable development in the Arctic.

3.Indigenous peoples are the stewards of the Arctic. Harvesting of renewable resources in accordance with the needs, values, practices and traditional knowledge, is an integral component of the maintenance of ecological integrity of the Arctic environment.

The Issue

Indigenous peoples everywhere are increasingly threatened by the 'anti-harvesting' lobby movement. The anti-harvesting groups misrepresent to the public and governments their true objective which is the complete prohibition in killing wild animals. This goal is falsely described as being one component of a broader objective of environmental protection. In doing so, the anti-harvesting movement causes great harm to indigenous peoples and, indeed, places in jeopardy their very right to exist as distinct peoples.

Action Required

1.We call upon governments and non-governmental organizations to fully recognize and accommodate the rights, values, needs and practices of Arctic indigenous peoples with respect to the harvesting of renewable resources in any measures developed for the protection and conservation of Arctic species and habitats.

2.We further insist upon direct participation by Arctic indigenous peoples in the planning, development and implementation of any such measures for environmental protection or conservation of Arctic species and habitats.

3.We call for the development of a strategy and for the coordination of our efforts as Arctic indigenous peoples to meet the challenges posed by those who seek to interfere with our harvesting rights. ❑

Costa Rica: Effects of earthquake

Cachabria, 19 August. The April 22 earthquake here has uncovered a vein of mineral riches and awakened the envy of local and transnational companies for access to the site on the reservation of Costa Rica's Chirole Indians.

Indigenous groups and exploration companies are locked in litigation over the sudden appearance of deposits of gold, copper, and coal, virtually ready to be carted away by the first comer.

At a meeting of the Awapas Indian council, to which IPS had access, Native leaders argued that the mineral exploration must be halted as it poses a threat to the social and ecological balance of the community.

Business activity in the indigenous zone is prohibited by the law which created the reservation. But Costa Rica's mining code, passed later, repealed the article in the indigenous affairs law which gave the rights to mineral deposits to the state and to Native communities.

The April earthquake which shook the region and uncovered the minerals quickly produced unauthorised activities by eager businessmen.

Local and foreign mining company representatives are asking the ministry of natural resources, mines, and energy to promote legislation that would permit them to explore in the area.

But while the debate continues, some 80 mine operators already are hiring Native workers, said Gilbert Gonzalez, general coordinator of Sejekto, the indigenous confederation of Costa Rica.

Gonzalez said the principal part interested in exploitation of the minerals is a Canadian businessman who has set up his proxy agents to assure control of the mining of the ores. "This has the potential to cause very serious environmental and social damage," said Alvin Morales, spokesman for the Awapas.

"Mining companies offer high salaries, roads, bridges, schools, hospitals. But we know that with all that also comes environmental damage, exploitation, alcoholism, and prostitution," said Morales.

Jobs with the exploration companies are tempting for local residents since they make four times their normal earning. They can make about 350 colones (U.S.2.50 dollars) a day by selling their agricultural products. But in mining they start at 1,400 colones a day.

The low prices offered for their harvests are partly a result of the lack of transportation in the indigenous zone. "The companies take advantage of the emergency situation that we are living through with the fall in farm prices and the loss of the cacao crop because of disease," Morales added.

A representative of the Guatuso Indians, who live along the border with Nicaragua, said that the arrival of the mining companies has brought together groups who have been feuding since pre-Colombian times. "This is a process of extermination, and we are going to fight alongside our brothers of the Talamanca Mountains (Cachabria) to resist this attack against our culture," he said.

The Native leaders recalled that the arrival to the zone of the Costa Rica Petroleum Company (RECOPE) refinery brought alcoholism and prostitution. RECOPE now is seeking rights to the coal uncovered by the earthquake.

Source: IPS. ❑

◗ *(cont. from p. 30)*

Indigenous Nations of Colombia (ONIC), the Indigenous Confederation of the Bolivian Orient (CIDOB) and AIDESEP, and furthermore, that we in the last 6 years have been unified under COICA?

Why is he elaborating in his novel "El Hablador" (The Chatterbox) about the Machiguenga, a superficial and exotic vision of a people on its way to extinction when the reality is that it concerns 10,000 indigenous, organized in different communities and federations, who are resisting the manipulation and modernization which the intellectual or the religious "redeemers" and intermediaries are trying to impose on them?

How come that an intellectual defends "free determination" but makes a judgement on our history, and even condemns our destiny, without even consulting us or investigating what we, the indigenous want, and what is our free determination?

Once again, we ought to help break this historical ignorance and aggression, and briefly state that the indigenous populations integrated in COICA are not condemned nor resigned to extermination. Some populations are heavily threatened by modern society, but they resist; and we have obtained important advances on the consolidation of our rights to territorial control, to intercultural bilingual education, attention to primary health based on indigenous medicine, to the ecological and self-sustaining management of the Amazonian rainforest. All these are resulting in changes in the national legislations, and also in the International Juridical system like for example our recognition as peoples in Convention 169 of the International Labour Organization, and the right to self-determination, which will be incorporated in the next Universal Declaration of the Rights of the Indigenous Populations of the World which the United Nations are working on.

Obviously, none of these have been easy, nor are they fully consolidated conquests. There is much to be done, but already there exists an important worldwide movement willing to recognize that a true modernization can only occur by observing the territorial, social and cultural decolonization that the indigenous populations suffer, among them the Amazonian people. Our long battle for self-recognition by the states as multi-national states, is now counting on the important support on the global scene. The Autonomy Statute of the Atlantic Coast in Nicaragua, the political articulation of the *Inuit* populations throughout Canada and Alaska, and the indigenous reservations' right to the subsoil in the U.S., the communal justice practised by the *Kuna* and *Guaymi* populations in Panama, the battle for the political rights of the populations and cultures who are integrated into the states of Europe and the USSR. All these signify that the indigenous populations and our battle for self-determination is not something archaic, but is inscribed in the more advanced trends of the international community, in strong contradiction to the personal opinion of Vargas Llosa.

The Amazonian indigenous populations will continue to bring forward a new modernization through our culture of sustainable self-development of the Amazonian biosphere as an alternative for humanity. We will continue contributing with our communal organizations as a distinct form to the national state, and to capitalistic individualism, and our community as a historical alternative in which the individual can freely develop, together with communal interests. We will continue contributing, resisting and fighting for our self-determination as an expression of a civilization which is really based on individual sovereignty. What is needed now is that Mr. Vargas Llosa chooses with more information and intellectual clarity, whether he identifies himself with a modernity which requires our tragic extermination or with a liberating decolonization. ❑

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U.S.S.R.: Road of Discord

by Yeremei Aipin

For the first time people put up a tent of reindeer hides, but on the cold concrete slabs of a bridge. And for the first time, men and women, wearing national dress, took placards out onto a road and blocked it. And for the first time the river under the bridge heard an unknown word: "picket". And for the first time these sad words were cabled from Varyegan Nizhnevartovsky in the Khanty-Mansiisk Autonomous Area of the Tymen Region:

When I came to the picket site, a tent made of skins had already been set up. Grey smoke streamed through the makodan, or smoke opening. There was a campfire on the roadside. Two tea kettles and a pot of fish were hanging over the fire. Women wearing ornament-embroidered national dress were bustling around. It seemed that nothing special was happening. The usual life in the camp of a nomadic reindeer-breeder or a hunter. But the tent stood on the concrete slabs of a bridge over the Lukhkopl River. You couldn't even get past it by foot. And on the road, on both sides of the tent, stood people holding placards.

Trucks arrived from Raduzhny and came to a halt. Then trucks from the oil fields of Zapadny Varyegan. Drivers and workers headed for the tent.

What made my fellow-countrymen take to the road?

They were reported missing in the tundra -they put up with it. Their pine forests were cut down -they put up with it. Their moss carpets were ploughed up by caterpillars and trucks -they put up with it. Their reindeer were run over by motor vehicles -they put up with it.

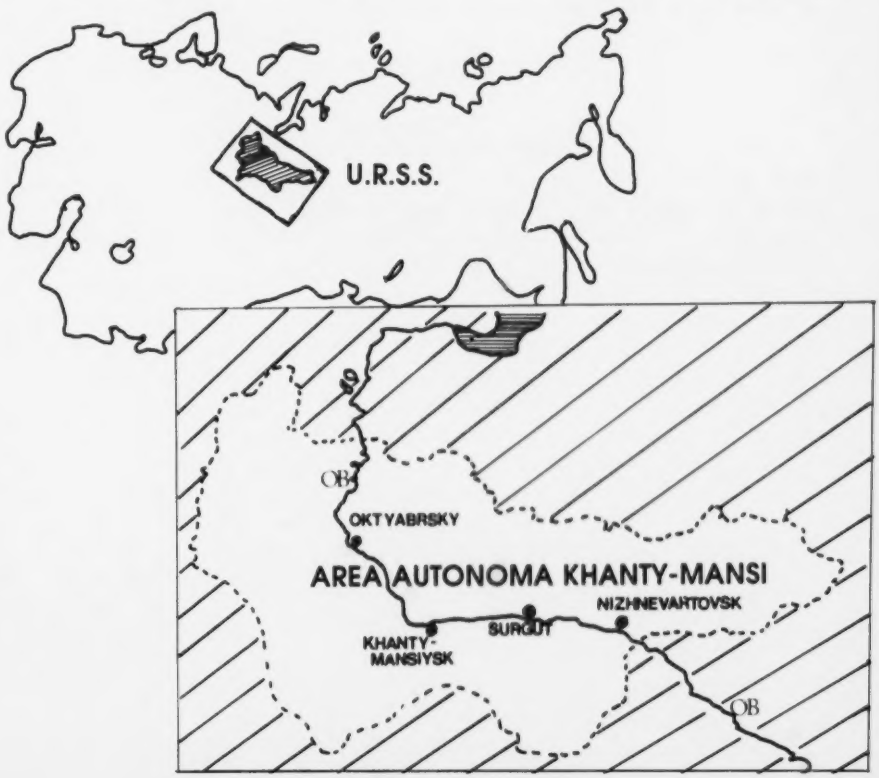
Northerners are patient people. But there is a limit. What was the final straw?

On July 31, a motor vehicle ran over yet another victim on this concrete road. It was the bull of old reindeer breeder Teklyu. Evidently someone interfered with the driver: he didn't bother to pick up the carcass and left it lying on the road. Somewhat later, the intestines of another reindeer were found on the same spot. It had also been run over by a motor vehicle, but they managed to take it away. It has not yet been established whom it belonged to.

On the day of the bull's death, old Teklyu went to the Varyegan settlement. He knew who was the Most Important Person in the country: Gorbachev. He also knew who was the Fairest Person: Gorbachev. Who had the truth? Of course, Gorbachev had it. And old Teklyu said: "I shall send a letter to Gorbachev. Write down all my words for him. Don't lose a single one of my words."

This is how the message from an old reindeer-breeder came into being.

"So that's how it is, there is a need for oil, there is also a need for me to live. Let them give me transport, give me a cross-country vehicle, give me a Buran. But better still, let



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them give me another reindeer.

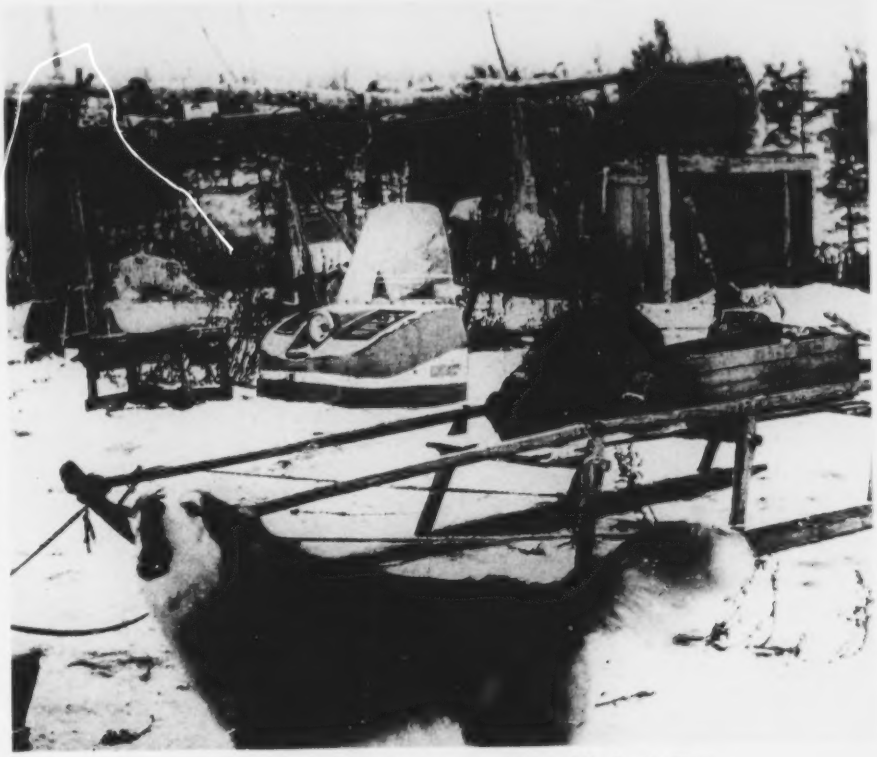
"If they don't give me a reindeer, I don't know what I shall do. Maybe I shall go to the road with a rifle. Where the reindeer was run over, I shall shoot a motor vehicle, I shall shoot the driver. There was once such a law in the taiga.

"I don't know what is to be done if I shoot a different driver, not the one who ran over the reindeer. A different one must not be shot. The law of the taiga does not permit this.

"We must also live. Let Gorbachev give me reindeer. The year before last ten reindeer were no more. Last year nine reindeer were no more. This year four more reindeer were no more. Often we don't find the bones. Our little girl saw a reindeer's hooves tied with wire while he was alive, and the reindeer thrown into a motor vehicle. She was afraid they would kill her too, and she did not remember the license number of the vehicle.

"I did not write the letter myself -I am illiterate- but I said everything myself. Let Gorbachev answer me. What we shall be able to do. I wrote everything. Where there was the Amputa River, there is a lake now. This is how work goes on.

Aivaseda Teklya Khalovich
July 31, 1990."



Khanti-Mansi Autonomous Area. Photo: Vladimir Cheu.

Dialogues on the Bridge

Exactly two months passed. No reply. People tried to explain to the old reindeer-breeder Teklyu that the President had to take care of the whole country, that he could not write to every person. "If he can't think about the life of every human being, then why is he the Most Important? the old man retorted. And he kept repeating: "There was Stalin - there were reindeer. Gorbachev came - reindeer did not. Why have reindeer not come?" The insistent old man was told: under Stalin he did not dare even to open his mouth, but under Gorbachev he came to feel like a human being and set out for the first time in his life perhaps in search of Truth and Justice. After thinking a little, old Teklyu replied: "Perhaps, this is true...But there is no life for me without reindeer. However, I go to the road, I die there.." And then people, *Khants* and *Nenets*, those who had reindeer and who had none, who had lost their relatives on this road and who had not, told the old man:

"We shall go with you to the road."

This is how they came on the road, which a local journalist nicknamed the "road of death". But they came on its concrete surface not to die, as old man Teklyu believed, but to survive.

Now the old reindeer-breeder stood with a placard: "Don't shoot our reindeer." Photographs were pasted on a white sheet of paper. A reindeer, run over by a motor vehicle, lies on the concrete road. The track of a wheel is clearly visible. This is old Teklyu's leader. Now he himself stands in the middle of the road, his lips tightly pressed together, his head proudly raised.

The driver jumped out of the first vehicle and shouted:

"Why did you block the road? Make way..."

But immediately he was showered with questions:

"But why do you run over our reindeer?"

"Why do you drive over our moss?"

"Why do you kill people with motor vehicles?"

"Why have you spoiled the whole of our land?"

The driver, however, was not taken aback and reasonably yelled in reply:

"But why did you permit a road to be built? You should have thought of all that before..."

And again there was a salvo of questions from the picket line:

"But who ever asked us where to build?"

"Who knew that you would destroy the land?"

When the excitement somewhat eased and it became quieter, Yuri Aivaseda, President of the Varyegan Association, started explaining to the driver:

"At first we were told: move back a little - we shall build a city here. We moved back. Then we were told: a little more - we shall build a derrick here, there will be an oil field. We acquiesced. Then they told us: a little more, we shall build a road here. We again ceded our land. But now it has turned out that there is nowhere to go to, there is no land. What are we supposed to do?"

The driver, of course, could not say anything in reply to this. His tone calmed. He was led to the tent, to the placards and photographs, to the black list. Here it was possible to learn what had been run over by a truck and when. Who had been raped and left lying on the roadside. Whose camp had been robbed, whose graves had been rav-

aged...In the long run, the bewildered driver exclaimed:

"I am with you. I have worked here for a long time..."

Vladimir Aivaseda, a deputy to the rural Soviet, told me:

"He is right: whoever has lived here for long will not play dirty tricks.."

Trucks and workers kept driving in. The only person who was missing was the chief production commander - Anatoly Sevak, Director General of the Varyegganneftegaz Association. He was on a business mission in America. His place was taken by his deputy - Alexander Malkov. Question were asked from both sides at once: by reindeer breeders and hunters and by his own drivers and oil workers. Eduard Vekilov and Gennady Kashlev, leading officials of the USSR Ministry of the Oil and Gas Industry were not left without their share of attention either. After all, all the problems of this land are linked to the development of the oil fields.

Soon everything got mixed up. People gathered in small groups. Some around Yevdokiya Gayer, People's deputy of the USSR. Others talked to Vladimir Sanghi, President of the All-Union Association of the Peoples of the North. Still others, mostly young people, came together around the beautiful Tatyana Gogoleva, President of the Khanty-Mansiisk Area Association of Indigenous Peoples, "For Saving the Yugra."

Is there truth on Earth?

On the bridge near the tent I recalled how Yakov Nimperov, a hunter from the Pim River, had once assured me:

"There is no Truth for the Khants on this land..."

"But have you looked for it?" I asked half-jokingly and half-seriously.

"My neighbour has."

"And what was the result?"

"A helicopter destroyed his camp," Yakov Minperov was telling me about his neighbour. "He set out in search of the Truth. While he was looking for it, a helicopter came flying in, dropped a can with petrol on the roof of his barn and set it on fire. This is how my neighbour and his family lost their food stocks and winter clothings and footwear. This was evidently done to teach a lesson to others so that they should not go in search of the Truth.."

By the truth Yakov Nimpervo meant the right of a human being to his home, to his land, and to his faith. Lastly the right to his life...And now, having blocked the road, my fellow countrymen were insisting on the same right. They published their demands formulated in 17 points, in the local newspaper **Novosti Raduzhnogo.** On the following day these demands were examined at a conference of the top executives of enterprises in Raduzhny and Novoagansk, a settlement of geologists. Nikolai Shkolny, chief engineer of the Varyegganneftegaz Production Association, said that specific steps would be taken on all the points dealing with oil workers' activities. Incidentally, oil workers have never refused to help the indigenous population. After the publication of my article in **Moscow News** Vasily Dinkov, the then Minister of the Oil and Gas Industry of the USSR, suggested that a programme be endorsed, "envisaging the elimination of the negative effects on nature, the creation of zones where every type of production activity would be banned and where the indigenous peoples of the North could live, and also the provision of a social infrastructure, including schools, secondary-technical educational establishments, housing, etc. for them". Also at that time, in 1989, the Khanty-Mansiisk Autonomous Area allotted special territories for the habitation and economic activity of the indigenous people of the North." But regrettably, they have not yet been approved either by the Tyumen Regional EC or the Council of Ministers of the Russian Federation. Somewhat later the Ministry of the Oil and Gas Industry adopted a Programme for the Socio-economic Development of the Regions Inhabited by the Peoples of the North for 1990-1995 to be financed by the enterprises of the Tyumen Main Oil and Gas Production Association, in which it was planned to invest 156 million roubles. The implementation of this programme commenced at the beginning of this year. But this aid has practically not affected the living standard of the concrete hunter Alexander Aivesada, the fisherman Vasily Kazamkin or the reindeer breeder Teklyu Khalovich. The funds disappeared somewhere.

No one except the oil workers have responded in real terms: neither foresters or builders nor gas workers or geologists.

Now, however, with the transition to market relations, our oil workers will become paupers if the state's monopoly is preserved and if oil prices are not raised. It means that the peoples of the North, living on oil- and gas-bearing lands, will also become further impoverished. After all, can one pauper help another pauper? But it would be worth thinking about the state prices of oil. Today, a ton of oil is many times cheaper than a ton of mineral water. On the domestic market of course. Isn't it because of this that oil workers are polluting our lands? After all, oil is not worth anything. But whatever is not worth anything has never been valued among the people.

In the meantime more and more motor vehicles kept driving up. Their drivers headed for the tent and the pot. The tea kettles had long ago boiled and the fish soup was ready. Many drivers sat down next to the picketers, had tea, praised the soup, and ate fish. The loquacious Pyotr Aivaseda was recounting something by the campfire. The judicious and calm Alexander Aivaseda was sharing his thoughts with someone. On reading the posters and black lists, many drivers and workers grew sincerely indignant. They came up to old Teklyu and said:

"We support you."

"We are with you. Hold on."

In the end, a group of drivers asked for a sheet of paper and put their signatures under the demands of the Khants and Nenets. I took that sheet. It contained Russian, Ukrainian and Tatar names.

I found myself in a delicate position. On the one hand, there were my small people - Khants and Nenets, on the other, there were oil workers, builders and geologists. And all of them were my voters. But there was no confrontation. Everyone understood that first there was a need to help those who were in the greatest need of help. The most important thing was mutual understanding. The same atmosphere of benevolence and consideration prevailed on the following day at the Varyegan rural club at a conference of top executives. Each made proposals on how to improve the lot of the native Khants and Nenets.

The picketing time ran out. The men quickly dismantled the tent. The women rolled up the placards and packed up their plates and dishes. And all of them formed lines along the side of the road, face to face with each other. The motor vehicles roared and started moving. Some passed by "silently". Others, on coming up with the picketers, honked loudly. The men and women in national dress smiled brightly,

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like children, as they followed the trucks with their eyes.

Afterwards the people of the Association followed in the tracks of old Teklyu - they went to the post office and sent their main thoughts and aspirations to the President of the country.

TELEGRAM
PRESIDENT OF THE USSR M.S. GORBACHEV,
THE KREMLIN, MOSCOW

Copy:

CHAIRMAN OF THE RSFSR SUPREME SOVIET B.N. YELTSIN

DURING THE YEARS OF DEVELOPING THE OIL FIELDS 26 PERSONS FROM AMONG THE INDIGENOUS POPULATION, INHABITANTS OF OUR RURAL SOVIET, HAVE DIED A VIOLENT DEATH ON THE ROADS AND NEAR THE DEPOSITS. HUNDREDS OF REINDEER HAVE BEEN DESTROYED, THOUSANDS OF SQUARE KILOMETRES OF REINDEER PASTURES, HUNTING AND FISHING GROUNDS, TENS OF SPAWNING RIVERS HAVE BEEN RUINED.

IN PROTEST AGAINST THE RAPACIOUS DESTRUCTION OF THE INDIGENOUS PEOPLES AND THEIR HOMELAND THE VARYEGAN BRANCH OF THE ASSOCIATION OF KHANTS AND NENETS CARRIED OUT PRELIMINARY PICKETING AND BROUGHT TRAFFIC TO A HALT FOR 5 HOURS ON OCTOBER 1 ON THE ROAD FROM THE CITY OF RADUZHNY TO THE ZAPADNY VARYEGAN OIL FIELD, THE SITE OF BARBAROUS KILLINGS OF DOMESTIC REINDEER BY MOTOR VEHICLES.

WE DEMAND;

FIRST, TRANSFER THE LANDS OF OUR HISTORICAL MOTHERLAND INTO THE PROPERTY OF THE CLAN COMMUNES OF INDIGENOUS PEOPLES.

SECOND, BUILD RELATIONS BETWEEN INDUSTRIAL ENTERPRISES AND CLAN COMMUNES ON A CONTRACTUAL FOOTING.

THIRD, TRANSFER ALL POWER IN THE LOCALITIES TO THE CLAN COUNCILS BEING ESTABLISHED.

WE SUGGEST URGENTLY ADOPTING A PRESIDENTIAL DECREE ON SMALL PEOPLES AND SETTING UP A SPONSOR AND COORDINATING GROUP OF THE ASSOCIATION OF THE PEOPLES OF THE NORTH.

IN THE EVENT OF CONTINUING THE PRACTICE OF RAPACIOUSLY AND BARBAROUSLY DESTROYING THE INDIGENOUS PEOPLES AND THEIR LANDS WE ARE RESOLVED TO BLOCK ALL WORK AT OIL AND GAS FIELDS AND TIMBER FELLING SITES.

THE INTERCLAN MEETING OF THE KHANTS AND NENETS BELONGING TO THE VARYEGAN BRANCH OF THE ASSOCIATION OF THE PEOPLES OF THE NORTH.

What will the President say in reply to this?

Yeremei Aipin is an indigenous writer, a people's deputy, member of the USSR Supreme Soviet

Sources: Moscow News, No. 41, 1990. ❑

Khanti-Mansi Autonomous Area. Photo: Vladimir Chew.

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A Soviet Reservation? Yes!

by Oksana Petrunenko, (IAN)

Khant village leader outside a traditional **chum** *(tent). Photo: Jens Dahl.*

A reservation which will be made up of *Khanties* and *Mansi* settlements is being set up in the Khanty-Mansi Autonomous Area in Western Siberia. The very existence of these two northern ethnic minorities (the so-called Ugric tribes) was endangered by injudicious economic activity. It was unfortunate for the Khanties and Mansi that their land turned out to be a treasure trove of oil, natural gas and timber. Speedily erected oil derricks and trees felled by electric saws showed that priority was given to the industrialization of Siberia so that hunting and fishing grounds and traditional crafts began to disappear. As a result of the hasty development of natural resources, the Khanties and Mansi had no opportunity to follow their traditional lifestyle. The objective of the reservation is to save these and other ethnic minorities living there, and give them as much independence in their development as possible.

The setting up of the reservation is one of the few instances in Soviet politics when a decision has been made after tough scientific analysis and with account taken of public opinion.

The leadership of the Tyumen region suggested that the residents themselves decide on a pattern of development of their area. The results of a sociological survey showed that most people understood that the Ugric tribes were in dire straits and believed that only a reservation could improve the situation. At the same time several projects or rather models for solving the problem were offered to experts for examination: those of cultural assimilation, non-interference, and so on. Ethnographers, philosophers, lawyers and cultural experts also supported the idea of setting up an ethnic territory or a reservation. Incidentally, such an approach corresponds to international agreements on the rights of peoples leading a traditional way of life.

A third of the autonomous area's territory (100,000 km²) has been declared a reservation. The industrial development of natural resources, the felling of wood, and the building of new industrial enterprises and settlements on this territory will be stopped. Priority is to be given to the traditional crafts, hunting and fishing. As on any reservation, the number of outsiders, such as tourists, builders and oil workers, will be sharply limited. The prospecting parties working there will move elsewhere.

There are 30 prospected oil and gas de-

posits on the territory of the future reservation. It has been decided to postpone their development for at least 25 years. The region's leadership believe that their exploitation may be resumed when new, ecologically cleaner extraction technologies have been developed, and naturally, if the local residents agree to the development of their mineral resources.

The setting up of the reservation will make it possible to more fully ensure the rights of ethnic minorities. To this end the leadership of the area plan to change the management structures. The affairs of the reservation are to be settled at gatherings of the inhabitants of the ethnic settlements (usually 30 to 40 residents). But at the regional level a different decision-making mechanism is required. For the Khanties and Mansi account for about one-sixty-fifth of the population of the Tyumen region. That is why it has been proposed that the Regional Soviet be bicameral, which will make it possible to take into account the opinions of the indigenous people in dealing with their problems of territory.

In order to save the ethnic minority from extinction, it is not enough to simply enable them to live in compact territories. It is also necessary to restore the environment, recultivate the land, plant tress and clean rivers.

The recent resolution of the USSR Supreme Soviet recommends that the land which has traditionally been used by the indigenous people and which cannot be taken away for industrial development be transferred to the indigenous ethnic minorities of the North, Siberia and to Soviet Far East. Priority is given to the preservation of the natural environment and biological resources vital for the survival of ethnic minorities. This means not only a limitation on economic activity, but also the exclusion of whole areas from intensive land use.

The reduction in the territory's industrial development will undoubtedly affect the budget of the autonomous area while the restoration of the ecological balance will require considerable spending. Do the organizers of the reservation realize this?

The region's leadership have a plan of partial compensation, from several sources, to be spent on nature restoration. For instance, on-site treatment of timber and its full cycle, waste-free processing will make it possible to obtain greater profits from sales of finished products. The expected reduction of oil extraction will stimulate the development of resource-saving technologies and industrial facilities which also promises no small profit.

Another source of financing are direct agreements with various agencies on partial compensation of the use of the territory. For instance, the Glavtyumenneftegaz association has raised a 100-million rouble programme, and the Gazprom concern a programme for 50 million roubles. True, such agreements contain a considerable degree of absurdity: the agencies whose activity has brought about the region's current problems are allocating funds for eliminating its adverse consequences by way of charity. So far, it can't be helped since for the time being there are no firm commitments by the Soviet agencies with regard to the territories on which they pursue economic activity.

To make the reservation independent of the good will of industrial concerns, it is necessary to work out economic foundations for its existence. In the context of the cost-accounting system the reservation will not survive and will have to be auctioned off unless high tax rates are set for the use of the ancestral land of the Khanties and Mansi. Many people in the region believe that this land must be transferred to the indigenous populations as their property.

This is the transcription of an article published in "Perestroika", Nr. 10, 1990. ❑

More from the Soviet Union

On 16 of October 1990 the Council of the Association of the 26 Small Peoples of the Soviet North met in Yakutsk, Siberia. At this meeting a "Convention of the 26" was adopted.

This Convention is reprinted in the next edition of the IWGIA Newsletter. ❑

IWGIA DOCUMENT 70
by Andrew Gray

Between the spice of life and the melting pot: Biodiversity conservation and its impact on Indigenous peoples

$ 7.50

INDIGENOUS PEOPLES OF THE SOVIET NORTH

IWGIA DOCUMENT 67

$ 6.00

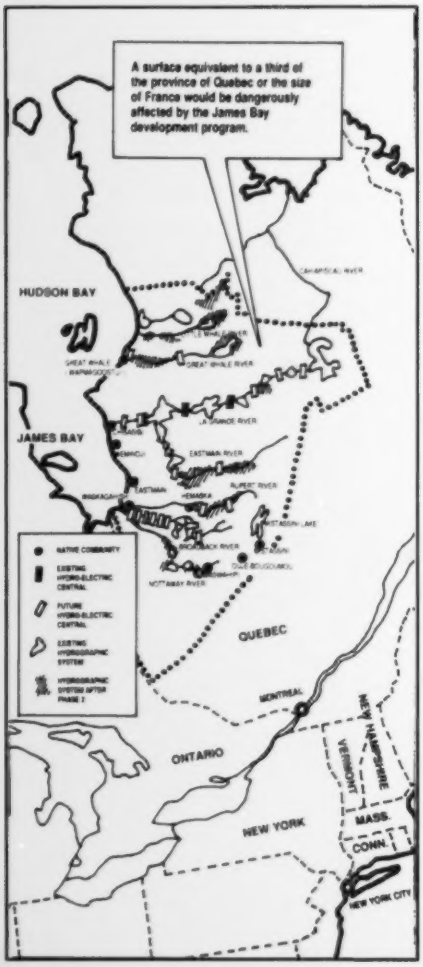
Villages of the Dammed

The James Bay Agreement Leaves a Trail of Broken Promises

by Billy Diamond

QUEBEC, Canada

A land claims negotiator in his twenties, Billy Diamond is today Chief of the Wasaganish Band of James Bay Crees. To those who see the negotiation and settlement of a land claims agreement as the end of a long struggle, Diamond says, think again. He would not have signed the James Bay and Northern Quebec Agreement in 1975 if he had known then how the solemn commitments of the Agreement would be "interpreted, twisted" and ignored. Now the massive James Bay II project threatens to further damage Cree society.



In these days of public battle between the federal and provincial governments of Canada and the First Nations of Canada, lessons can be learned from the most important native rights battle of the seventies: the events leading to the signing of the James Bay and Northern Quebec Agrement on November 11, 1975. Land claims, now a battle cry for native groups across Canada, were at that point a Canadian novelty. Today the experience of the James Bay Agreement is a far from perfect model of Canadian native land claims.

Hydro-electricity is very important to Quebec, and the Cree homeland provides approximately 40 percent of Quebec's capacity of 25,000 megawatts. However, unlike some Scandinavian countries, where hydro-electric flooding is confined by mountain walls, in the Cree territory hydro-electric projects flood vast areas and devastate the land.

The La Grande Project has a total reservoir area of about 14,000 km², of which about 10,500 km² is flooded land. If James Bay Phase II, the massive expansion of the Northern Quebec hydro-electric system currently being planned by Hydro-Quebec, is completed, this total will rise to 25,835 km² of reservoir, of which 15,519 km² will be flooded land. This is comparable to submerging the whole of Northern Ireland.

In 1970, Quebec Premier Robert Bourassa proposed the first James Bay Project, which consisted of three parts: the Great River Project, the La Grande Project and the Nottaway-Broadback-Rupert Hydro-electric Project. He announced his plans without consulting the *Cree* and *Inuit* people of Northern Quebec, whose lands and ways of life would be changed forever by those developments. The James Bay Project threatened to destroy eleven major rivers and upset the ecology of an area the size of France. It would permanently diminish the traditional Cree way of life.

It was up to us, the first generation of Crees out of high school, to counteract that threat. We knew our people had always occupied the Cree territory. My people wanted to protect the land and our way of life. We were the only inhabitants of the land, and our way of life depended upon the rivers continuing to flow and upon the forests and the animals continuing to thrive.

We found that Canadian law had few legal precedents of aboriginal rights. We also found that Quebec, under the terms of the 1898 and 1912 Quebec Boundaries Extension Acts, had an outstanding obligation to settle native "claims" to the territory. Quebec had never fulfilled this condition to its accession of Eastern Rupert's Land from Canada. Thus, Quebec's claim to all of Northern Quebec was in jeopardy because it had refused to deal with us. Quebec's claim to all of Northern Quebec is still in jeopardy because the James Bay

Agreement has not been respected.

When we took the issue to court, our first occupancy and unique and continuous occupation of the land played a small part in the proceedings. Quebec attempted to prove that because my people used implements and goods bought in stores, we are no longer indigenous people. Before the courts, however, our story was articulately and honestly told by our people. Through interpreters, our people related the way that they lived in harmony with the land and the wildlife and the resources around them. After six months of testimony, we won our case. It was the longest interlocutory proceeding in Canada and is a hallmark of legal precedent and judicial courage. Judge Albert Malouf recognized that we, the inhabitants, had rights that superseded the rights of Hydro-Quebec and the Quebec government, and an injunction was granted to halt construction of the James Bay project.

One week after that decision, the Quebec Court of Appeal overturned that decision in favour of the rights of Quebec society. The project would proceed. It decided that while our rights might be compromised by the project, the public interest of southern society was more important. The damages to us could be compensated for with money. Our feeling was that no one can buy a way of life and culture with money. We were ready to proceed in court, but we saw the need to limit the damages, see remedial works and have certain fundamental rights recognized. We decided to attempt to negotiate a settlement. We really had no other choice.

The James Bay and Northern Quebec Agreement took a total of two years to negotiate. We thought that with the Agreement we had secured the means to adapt to damages caused by the La Grande Project and to the changes to Cree society that would surely result from increased contact with the larger society. The agreement index reads like a constitution of a new country and, in many ways, that is what it was meant to be. We set up the Cree School Board and took control of Cree education, which had been administered from Ottawa. We set up the Cree Board of Health and Social Services and brought the responsibility for health services back from Ottawa to the Cree communities. We secured special measures for the administration of justice and for setting up a Cree police force. And, we set up a program which provides a guaranteed income, albeit a low income, for Cree hunters. The program encourages them to stay in the bush for at least 125 days a year.

The Agreement promised federal legislation for Cree self-government, and in 1984, nine years after the signing of the Agreement, Parliament finally passed the Cree-Naskapi (of Quebec) Act. This is a recognition of Cree sovereignty in the area of local government, is constitutionally enshrined, is vibrant, and supports the development of our communities. The Agreement also set up a special regime for environmental review of proposed future projects. This provided special measures to build Cree communities and to give us a significant role in the economic development of the territory. But these commitments were made by government only to get us to sign the Agreement; they have been consistently ignored and breached by Canada and Quebec.

Finally, the Agreement provided for monetary compensation. The Cree portion (another $90 million was for Northern Quebec Inuit) is approximately $130 million, to be paid out over twenty years. This is a Heritage Fund for future generations of Crees.

Considering all of the above, we approved the completion of the 1975 La Grande Project. We did not approve any other project. In fact, while we submitted environmental impacts for review, we withheld submission of our rights to such a process. Any future project would require Cree approval. That was the understanding of my people in 1975 and it still is today - no new projects without our consent.

Since 1975 we have negotiated three times with Hydro-Quebec to allow them to make changes to the design of the La Grande Project. In each agreement the principle was the same: "to compensate and remediate damages to our way of life and to our rights." We only accepted changes that we could live with and that would not destroy our way of life. We have had fifteen years of constant struggle to try to force Quebec and Canada to respect their commitments under the overall James Bay Agreement. If I had known in 1975 what I known about the way solemn commitments become twisted and interpreted, I would have refused to sign the Agreement. I would have gone to the Supreme Court and we would have found other ways to block the project in the courts and on the ground.

Protection of the environment in Northern Quebec has been a farce. The regime set out in the Agreement does not work. It has not been well implemented because the provincial government has put almost no resources into it. Its representatives, because they are government employees, follow the party line. No independent expertise is brought to bear on environmental questions posed by development. There are no public hearings. There is no funding for third parties to study the questions. Moreover, Quebec wants to split the Great Whale Project into pieces for review, even though the pieces cannot be justified independently. Hydro-Quebec and the Government of Quebec want to act as the proponents of projects, as the evaluators, as judge and jury. Because of the lack of concern for the destruction of the environment, there are no Cree game wardens (almost no game wardens at all) in the territory as provided in the Agreement, and the traditional Cree way of life is in danger of extinction.

For Canada's part, the environmental protection process in the James Bay Agreement does not exist. Canada began to implement its environmental responsibilities in Section 22 in 1982-1984. In 1984, Quebec nationalists working in the Quebec City office of Environment Canada found a way to interpret Section 22 so that Canada could avoid any and all obligations. To this day, the federal Department of Justice refuses to allow the Minister of the Environment to implement section 22.

Employment opportunities were to have been created for the Cree people so that we could become full partners in the development of our land. Except for the provision of institutional services such as education, health, and local government, this has not occurred. The fifteen years since the signing of the Agreement have been lost years in terms of developing programs for bringing Cree people into managerial and operational jobs on the hydro-electric projects.

Alternative employment opportunities, too, are being closed off to the Cree people. In the Agreement, we set up the James Bay Native Development Corporation, which was to open the door to joint ventures with the parent company, the James Bay development Corporation. This never happened. Instead, the James Bay Develop-

ment Corporation has adopted a racist mandate to drive the Crees out of regional development. They want to close the Cree fuel sales business, called Cree Energy, by pushing us out of business at Radisson Airport. In their campaign against the Cree, corporation officers attempt to recruit local businessmen south of the Cree territory. Any successful Cree commercial initiatives are carried out despite government interference and without government assistance. In forestry, my people have been trying since before the Agreement to set up logging and wood-processing plants. Rather than developing ways for forestry to be managed on a sustained yield basis, and in a way that is compatible with environmental protection and the Cree way of life, Quebec has illegally given forestry concessions to multinational corporations. The equivalent of one family territory (600 km²) is being obliterated each year by clear-cutting. The rights we gained in the James Bay and Northern Quebec Agreement to continue our traditional way of life are an illusion because the environment in northwestern Quebec is being destroyed.

Our rights guaranteed by the James Bay and Northern Quebec Agreement are being denied in other ways as well. Federal and provincial program cuts have resulted in a shortfall of 800 houses. The Cree People of Ouje-Bougoumou are still considered to be squatters on their own lands by Quebec and Canada because the Prime Minister of Canada, Brian Mulroney, has not done what he said he would do, in writing in 1985, and recognize these people as a "Cree-Naskapi Act" Band. Three Cree communities still do not have the access roads which were to come from the Agreement. Also, the powers of the Cree School Board have never been fully implemented. The list goes on and on.

Today Quebec announces that it will go ahead with another major hydro-electric development in James Bay II, first the Great Whale River Project and, in two years time, the Nottaway-Broadback-Rupert Project. But before examining the potential impact of this development, it is useful to look at the unfolding impacts of the La Grande Project. At this moment, we have no idea how far the consequences of James Bay I have gone.

We know that our people cannot eat certain species of fish because they are contaminated with mercury. We know there are fewer and fewer geese each year. We know that whole fisheries have been wiped out, and that hunting, fishing and trapping areas have been severely reduced. We know that 40,000 non-native people each year use the hydro-electric infrastructure to hunt and fish in the region, without controls. We know there have been impacts on the wildlife of the region, and on James Bay and Hudson Bay.

Hydro-Quebec has carefully prevented public environmentalists and other scientists from learning the full impact of the La Grande Project. How can they build another project, cut more trees and flood more land without knowing this? We know about the destruction of the Amazon forests, but what about the destruction of the northern Quebec forests? Bourassa says he is going ahead with James Bay II. He says he does not need Cree consent to destroy our rivers and flood our land. But he is wrong. Cree consent is required, and we want these projects stopped.

In the Great Whale River Project, Premier Bourassa intends to flood the lands of the Great Whale River Basin, the Nastapoca Basin, the Coates River Basin, the Boutin River Basin and the Little Whale River Basin in order to produce some 3,000 megawatts of electricity to be exported to the United States. Each of these rivers has important fish populations, and each contributes to the ecology of Hudson Bay, which supports populations of beluga whales, seals, polar bears and arctic char. As well, rare inland freshwater seals depend upon this water. The flooding of Lake Bienville to turn in into the major reservoir of this project will destroy important wetland and ruin caribou calving grounds. And, it will release mercury into the environment which, for many years to come, will contaminate remaining fish, mammal and bird populations of the reservoir area.

The Nottaway-Broadback-Rupert Project, the next major complex after Great Whale River, will produce 9,000 megawatts of power when the ten proposed power plants are completed. As with the Great Whale River Project, these power plants will operate to supply the demand for electricity in the South. It replaces the natural cycle by draining the reservoirs in winter and refilling them during the summer. The Nottaway and Rupert Rivers will be diverted toward the Broadback River system where, on the present channel of the Lower Broadback, the power plants will be mainly located. Water flow in the Lower Broadback River will, in winter, be ten to twenty times the present natural flow. The plan is to build the upstream power plants first, and build others downriver as required.

Over a period of years, this increased flow will scour out the Lower Broadback River channel. Reservoir depth will fluctuate annually between six and more than eighteen metres, and, as the reservoirs are shallow, this will leave vast bands of mud around each reservoir. The impact of this project will be devastating. Many Cree families will lose the most productive parts of their hunting, fishing and trapping areas. Because the Nottaway-Broadback-Rupert Project is to be built in low-relief forested areas and in sensitive wetland environments, the project will cause mercury contamination of the fish in those reservoirs at levels as yet unseen in Northern Quebec.

These river basins form an intricate and complex pattern of wetland environments and small lakes. They are major nesting grounds for ducks, herons, and all of the other migratory waterfowl which come to our northern region every spring. The spilling of forty cubic kilometres of freshwater into James Bay and Rupert Bay every winter will have a negative impact on the trout, cisco and whitefish populations as well as the snow geese that use Rupert Bay for a staging area during their migration.

For the Cree communities, local effects in addition to social problems and damages to the hunting and trapping way of life will include loss of community water supplies, contamination of local bodies of water, erosion and silting problems, and dangers to transportation. My community, Waskaganish, will be greatly affected by this project. Our very existence is at stake.

Besides all that, these projects do not produce clean energy from an atmospheric standpoint. The projects will alow Quebec and the northeastern United State to avoid implementing energy conservation as recommended by the international Brundtland Commission. In addition, the rotting vegetation from these projects will dump 100 million tonnes of carbon dioxide and methane into the atmosphere, contributing greatly to the greenhouse effect. Major power transmission lines will have to be built and will cut through our region as well as populated areas in southern Quebec and

the United States.

The real crime about these proposed hydro-electric projects is that they are not needed, and there are much better investments available for the people of Quebec. It is only because of a few interested parties, including Premier Bourassa, that the projects are proposed at all. Hydro-Quebec is not a publicly regulated company, although it is a public company and has all of its debts underwritten by Quebec taxpayers. Hydro-Quebec proposes to spend $62 billion on mega-projects and related works over the next ten years. This is approximately twice the level of spending proposed by Ontario Hydro.

In Brazil, developers argue, the enormous population increase in the next century will require the power that they hope to get by flooding parts of the Amazon Basin. In Quebec, the population is expected to start declining by the year 2006.

Quebec presently uses the same amount of electricity as New York State, even though it has about one third of the population of that state. Yet, Hydro-Quebec is actually encouraging consumers in the province to use more electricity.

To increase the demand so its projects can be rationalized to the public, Hydro-Quebec has aggressively marketed electricity in the United States and has long-term agreements, which have still not been approved by regulatory boards, for at least 2,000 megawatts of firm power. Moreover, Hydro-Quebec sells electricity at well below cost to aluminum smelters which, incidentally, have been exempted by Quebec and Canada from environmental review. In 1984 when Premier Bourassa was re-elected, Hydro-Quebec sold what it called "surplus electricity" to the United State at bargain basement prices. This was not surplus electricity; it was the margin of energy security, as stored water in the reservoirs. The reservoirs are now 25 to 40 percent under capacity.

The alternative for Quebec will cost less than its mega-projects. If Quebec cancelled the U.S. contracts (it will lose money on them anyway) and implemented energy conservation, more employment would be created and eight rivers would be saved. Eight thousand megawatts of power can be accessed through conservation. As new technologies are developed using the sun, wind and perhaps fusion, it is likely that the cement and gravel pyramids in Northern Quebec will be monuments to the abuse that 20th-century man has heaped on the environment.

A major related questions involves the financing of these projects, which is coming from North America, Asia and Europe. Any bank, bond fund, brokerage house or investment group looking to invest in the future hydro-electric projects of Hydro-Quebec should look at the global situation before it makes commitments. The environmental effects of these projects are reason enough to be concerned. Investors would be supporting mega-projects that will result in serious environmental damage. They must live with the consequences.

Hydro-Quebec's strength is also in question. Their bonds are guaranteed by the Government of Quebec, which is, in fact, directly involved in the financing of these projects. Investors should be advised that the Cree have initiated legal proceedings in Quebec and the United states to prevent construction of the projects or at least substantially delay them. Before a decision is made to invest, there should be a clear review of these legal proceedings, the provisions of the James Bay and Northern Quebec Agreement, and of the ability of Crees and Quebecers to block the projects. Investors in Hydro-Quebec would also be best advised to look and see who really owns Northern Quebec: the Crees, Canada or Quebec. Potential investors should not underestimate us.

Sixty-five percent of the Cree People are under the age of twenty-five. These people realize that hydro-electric development does not promote the long-term health of our way of life. They know that forestry must be controlled by the Cree people if it is to be made compatible with Cree hunting. These young people are the same ones who are being driven off the land, away from their family hunting territories. They see the confrontations at Kanesatake (Oka), Kahnawake, Akwasasne, Lubicon Lake, Restigouche, Rapid Lake, and with the Inuit of Labrador, the Indians of British Columbia and the Algonquins of Northern Quebec. And they realize that if the native people of Canada are to protect themselves and promote their way of life, they will have to do it themselves.

Current native reactions to government inaction stem from years of frustration, racism and neglect. The similarities between what is happening in South Africa and Eastern Europe and what is happening to native peoples in Canada are not exaggerated. Canada has a form of institutional racism and apartheid which is a shame to this nation and to the nations of the world. The "Intifada" in Canada by the native people is not an isolated event. This is the last generation of native people who will accept the indignity of having their rights ignored, their culture destroyed and their human rights lost.

As a Grand Chief in 1975, Billy Diamond was the main Cree signatory of the James Bay and Northern Quebec Agreement. He is a past head of the Cree Regional Authority and the Cree School Board, and is today president of Air Creebec.

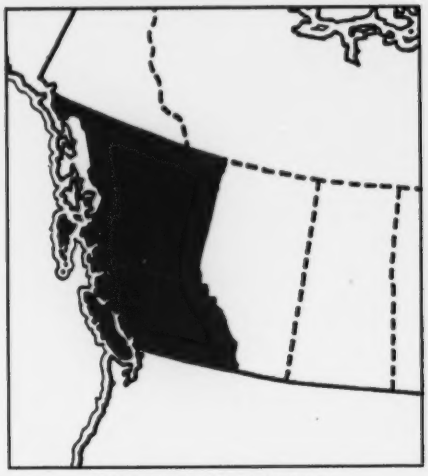
Source: Arctic Circle Nov./Dec. 1990. ❑

IWGIA Documents on North America

14. Native people in areas of International Expansion: Indians and Inuit in Canada , 1972	$ 2.50
62. Critical Issues in Native North America Vol. 1 , 1989	$ 11.60
63. Indigenous Self-development in the Americas , 1989	$ 10.00
68. Critical Issues in Native North America Vol. 2 , 1991	$ 11.60

Land Rights Extinguished:

The Gitksan-Wet 'Suwet'en Land Claim in British Columbia, Canada.



BRITISH COLUMBIA, Western Canada

Introduction

In October 1984, fifty-four hereditary chiefs of the Gitksan-Wet 'Suwet'en nation filed in the British Columbia Supreme Court, claiming ownership to 57,000 square kilometres of traditional land in North-Western British Columbia.

24 of the chiefs have since died.

This claim and ruling dragged on for nearly four years and reportedly cost $25,000,000.00, the longest and most expensive land claim in Canadian colonial history. It was also one of the most important.

The Gitksan claimed rents arising from occupancy of land for thousands of years. Their argument is the same for Native Canadians everywhere as is their claim for self-government.

The hearing began in 1987 and the decision of British Columbia Chief Justice, Allan McEachern, was handed down on 18 March, 1991.

Background

The first Governor of the colony of Vancouver Island was James Douglas who was appointed to that position in 1851. He became Governor of the mainland colony in 1858.

Colonial settlers and explorers asserted British sovereignty in the area by 1858. The province was then occupied by between 25,000 and 40,000 Indians and 5,000 non-natives. The Douglas policy was to claim all land except areas used as Indian villages. The Indians were also given the right to continue use of other lands for hunting and fishing. the federal government at that time acknowledged aboriginal claims in other provinces and reserved territories for the Indians. British Columbia refused to and encouraged Indians to assimilate.

Lord Dufferin, Canada's governor-general, wrote in 1874 that the B.C. government had evidently been behaving very badly. "They certainly should be required to extinguish the Indian title before assuming possession of the lands... but the truth is B.C. is hardly a large enough community to have as yet developed a conscience."

From the outset, the decision in this case was going to have the greatest impact in British Columbia. There were two reasons for this. Firstly, there are virtually no treaties with Indians in B.C., and secondly, the most comprehensive land claims are in that province. But it was also going to have serious implications for all Canadian Indians since the central issue in the case was the proof and scope of aboriginal rights and the extinguishment of aboriginal rights on land. The extinguishment, or elimination of aboriginal rights has been the core issue in all comprehensive claims, including the Gitksan and Wet'Suwet'en's.

In 1989, the Supreme Court of Canada had held in the "Sparrow" case that the Crown must have had "clean and plain" intentions to extinguish aboriginal rights when it signed treaties with natives.

B.C. Indians interpreted that to mean their rights had not been extinguished since they had few treaties. Most did not sign treaties and have never been conquered by force of arms. They occupied their land before the arrival of the Europeans; they were occupying it when the invaders arrived in the 1850's and today they still live on those same lands.

They claim that God gave them a piece of what is now British Columbia, at the beginning of time. They maintain that their ancestors lived on, owned and controlled the territory and that they still have a legal right to govern it. They wanted acknowledgment of their political jurisdiction over the land now "owned" by the province, and compensation paid for land held privately. They also want the right to terminate all logging, mining and other leases on Crown land.

The Court's decision

C.J. Allan McEachern ruled that Gitksan-Wet'Suwet'en have no claim to ownership of the land, or jurisdiction over the territory in which they live.

However, he said, they do have a legal right, subject to provincial laws, to use unoccupied or vacant Crown land in the territory "for aboriginal sustenance purposes."

In coming to these conclusions the court accepted all the government's arguments, the consequence being that it would free the courts from injunctions and cases concerning aboriginal title.

McEachern ruled that the law of nations and common law recognize the sovereignty of European nations that established settlements in North America. By 1858 Britain had asserted sovereignty in the territory, and title to the land of the province became vested in Britain.

Aboriginal interests at that time were the right to live in their villages and occupy the

lands for the purpose of gathering products of the land and waters for subsistence and ceremonial purposes, he said. Aboriginal interests did not include ownership of the land or jurisdiction over the territory.

"It is the law," the judge also ruled, "that aboriginal rights exist at the *pleasure of the Crown* and they may be extinguished whenever the intention of the Crown to do so is clear and plain."

Pre-Confederation colonial enactments construed in their historic setting show a clear intention to extinguish aboriginal interests in order to give title to settlers, he said.

He acknowledged in the introduction to his judgment that the case was a "political trial" as much as a case about land and jurisdiction.

His decision will not solve "the real issues" that exist between the aboriginal people and the governments, "but this case is at least an important step in that direction."

The judge wrote in his 394-page decision that the aboriginal people sincerely believe they have a legal right to govern the land by reason of their long use of the land, and they resent waiting for their aboriginal interests to be decided while non-natives acquire title and exploit its resources.

However, the courts of law are unable to respond to subjective considerations, he wrote. "Our Courts are courts of law which labour under disciplines which do not always permit judges to do what they might subjectively think (or feel) might be the right or just thing to do in a particular case. Nor can judges impose politically sensitive non-legal solutions on the parties. That is what Legislatures do, and judges should leave such matters to them."

"Instead cases must be decided on admissible evidence, according to law. The Court is not free to do whatever it wishes. Judges like everyone else must follow the law as they understand it."

The court must decide this case only according to what the aboriginal groups call "the white man's law," he said.

McEachern concluded that aboriginal rights exist "at the pleasure of the Crown" and were extinguished even before the province entered Confederation in 1871.

Since Confederation, the province has had "title to the soil of the province" and the right to dispose of Crown lands "unburdened by aboriginal title," he wrote.

In a significant departure from the rest of the judgement, the chief justice reserved the last words for himself, in a blunt lecture to both Indian and government leaders.

He urged serious political negotiations as the only solution.

"The parties have concentrated for too long on legal and constitutional questions such as ownership, sovereignty and *rights*, which are fascinating legal concepts," the judge wrote.

McEachern said that he expected his judgement to be appealed. "After the last appeal, however, the remaining problems will not be legal ones," he warned. "Rather, they will remain, as they have always been, social and economic ones."

He seems to tell them, in effect, to grow up and get a job. "The Indians have remained dependent for too long," he wrote.

He condemned the reserves as providing little to Indians but "fishing footholds and ethnic enclaves." He admitted that many of the reserves granted were minuscule and could never provide an economic base, but added with curious dismissal, "there is no profit in trying to assign blame for this."

Enlarging reserves now would not in the best interest of anyone, he concluded. "Eventually, the Indians must decide how best they can combine the advantages the reserves afford them with the opportunities they have to share and participate in the larger economy, but it is obvious they must make their way off the reserves."

McEachern said natives will not find a solution to their problems in the courts and must negotiate with the federal and provincial governments. He concluded his judgement with a plea that the courtroom is not the place to find the "intelligent new arrangement" that Indians and the federal and provincial governments must strike.

"It is my conclusion... that the difficulties facing the Indian populations of the territory, and probably throughout Canada, will not be solved in the context of legal rights."

McEachern maintained that B.C. land policy did not interfere seriously with land use in the territory claimed by the Gitksan and Wet'suwet'en. At any rate, the land was seldom able to provide the Indians with anything more than a primitive existence, and they voluntarily migrated from it.

"The introduction of alcohol, disastrous epidemics and limited economic opportunities did not result from a lack of access to land," he added. Except in some specific instances, interference with aboriginal uses of land was not a principal cause of Indian misfortune. "I cannot find lack of access to aboriginal land has seriously harmed the identity of these people."

Chief Justice McEachern had to deal with the "Sparrow" case and square it with his own. This he did, by saying the British rulers before Confederation simply assumed the natives had no rights and acted accordingly. Therefore, without ever passing any statute or law, they extinguished those rights.

"The pre-Confederation colonial enactments, construed in their historic setting, exhibit a clear and plain intention to extinguish aboriginal interests in order to give unburdened title to settlers...," he concluded.

Without using the words, he gave his legal authority to the concept of "implicit extinguishment", a concept bitterly contested by native leaders across Canada. Previous judgments on native rights had relied on the concept of implicit extinguishment, but more recent judgments had been chipping away at it.

By relying on colonial precedents, Chief Justice McEachern left himself and the courts open to charges of a colonial mentality. The assumptions and actions of those who began settling B.C. in 1850s, whatever precedent they created in law, cannot guide political decisions today. Nor should they be allowed to stand in law.

The consequences

There has been widespread condemnation of McEachern's decision on the Gitksan and Wet'suwet'en peoples belief that God gave them a piece of British Columbia at the beginning of time. McEachern concluded recently that "there is no evidence to support such a theory and much good reasons to doubt it."

His conclusion cries out for a discussion on the nature of evidence to substantiate for mysterious ways of God. Applying dry legal precedent to theology is a notion that strikes a discordant tone at the beginning of his 94-page decision on aboriginal land claims.

And it reverberates throughout his reasons for judgment: he dismisses tribal histories as myth, offers his theories about the roots of alcoholism and poverty among native people, and insists that the principal cause of Indian misfortune lies in the difficulties of adapting to changing circum-

stances.

"He's not a good historian," says Paul Tennant, a political science professor at the University of British Columbia and the author of the authoritative book Aboriginal Peoples and Politics. Prof. Tennant says the judge embraced the standard non-Indian perspective. That is, the comments are not racist but are bound up in the white man's cultural perspective.

Prof. Tennant says the judge is rejecting the Indians identity by rejecting aboriginal claims. His description of native life reflect a white man's view that B.C. was an empty land without law and society, that civilization arrived once the British flag went up that pole. The notion of British sovereignty is just another cultural myth, Prof. Tennant maintains. "It's a matter of how you look at people outside your own group." He also suggested the judge's views on helping solve problems facing Indians may, in fact, lead to turmoil.

In the past 20 years, native groups have made progress in asserting their aboriginal rights by looking to the courts. By urging them to abandon their legal rights, Prof. Tennant says, the judge is telling them to resort to raw political power. Government policy will then be determined as a result of blockades and protests.

The B.C. Supreme Court ruling against the Gitksan-Wet'Suwet'en Indians discourages aboriginal people and may provoke confrontations, says a lawyer for the *Lubicon Lake Band*.

"It's a very discouraging message. It certainly reinforces very strongly the views of a lot of aboriginal peoples in Canada that you cannot get a fair shake in the courts," James O'Reilly said.

"The Lubicon people are confirmed (in their belief) that it would be quite difficult to get justice in the Canadian legal system," O'Reilly said.

The ruling continues to push back native concerns about their aboriginal and treaty rights, he said.

"Things have been pushed back and pushed back, but they are never going to go away. I don't know where it's going to break out, but it's going to break out," he said.

"The worst thing is nobody cares," said O'Reilly.

"B.C. Supreme Court Justice Allan McEachern's ruling is based on "racist" principles that Indian rights are inferior to those of white."

Yet Canadian society accepts that Gitksan-Wet'Suwet'en rights were extinguished simply by laws passed in B.C. from 1858 to 1871 by a white society totalling around 5,000 people.

Whites didn't even establish themselves in the Indians territory until the 20th century.

That is applying to the red man standards and principles they would never have applied to Europeans.

"I call that racial discrimination," he said.

Harold Cardinal, at the University of Saskatchewan, Professor of Native Studies and a former President of the Indian Association of Alberta, also said McEachern's questioning, of native society and belief in God was underpinned with racist assumptions.

" I think the only way you can categorize that it is a classic racist assumption that reflects an institutionalized view of Indian people," Cardinal said.

Stunned Indian leaders condemned the ruling as racist, brutal, and a potential precursor to violent confrontation.

That anger is caused not only by McEachern's ruling, which reverses a recent trend by the Supreme Court of Canada to broaden and define aboriginal rights. But there is also a sense of betrayal caused by a blunt lecture McEachern added to the ruling.

It only deepens the disillusionment that this assessment comes from a judge who spent thousands of hours driving the backroads of "this beautiful, vast and almost empty" region, listening to Indian oral history, and legend as well as the testimony of chiefs and elders.

Bob Skelly, the NDP aboriginal affairs critic and a B.C. MP, warns that "as a result of a very ethnocentric, anachronistic decision, the Supreme Court of B.C. has lost credibility with natives seeking alternatives. It will lead them to other actions that are not as satisfactory."

Mereredi says if no justice is found in Canadian courts, natives will go to the international courts for help.

And, he promises, there will be more unrest across the country.

The Lubicon Lake Indian Nation said: "That decision can fairly be characterized as both racist and stupid; stupid because it slams the door on legal recourse for aboriginal people leaving them with only extra legal means for protecting their lands and rights; racist and stupid because it bases the legitimacy of the Canadian nation state squarely upon a racist denial of the human rights and consequently the humanity of Canada's aboriginal people."

The B.C. Chief Justice argues that the British Crown in this case simply assumed that the indigenous aboriginal population didn't have any rights to worry about and proceeded accordingly, "exhibiting" in the process "a clear and plain intention to extinguish aboriginal interests in order to give unburdened title to (British) settlers."

What the B.C. Chief Justice is of course inescapably saying is that the British Crown didn't consider aboriginal people in what is now British Columbia to have the same human rights as Western Europeans, with whom the Brits might disagree and even war but who were at least recognized as comparable human beings possessing the same or similar human rights, or even the same "rights" as other aboriginal peoples with whom the British Crown at least "negotiated" treaties. He's saying that at the same time the British Crown unilaterally proclaimed jurisdiction over what is now known as British Columbia there were no human beings with human rights living there - only Indians and other wildlife.

The racism of Western European colonization of North America, as horrific as any perpetuated anywhere in human history - including the Holocaust in Germany under the Nazis - goes without saying. However, it doesn't follow by any known rules of logic that racist ignorance of the human rights of

GITKSAN-WET'SUWET'EN Territories

aboriginal people constitutes a clear intention to extinguish those rights. Rather what follows, no matter how uncomfortable it might make certain interests in Canadian society, is that those aboriginal land rights continue to exist - even under Canadian law.

Lastly it's an incredible notion indeed that the Chief Justice of the B.C. Supreme Court should in 1991 try to base the legitimacy of Canadian Government jurisdiction over such lands and resources on an obviously racist denial of the human rights and consequently the humanity of Canada's aboriginal people. If a more acceptable base than that can't be provided for Canada's continuing dominion over such lands and resources, Canada deserves the consequences which will almost inevitably follow.

Conclusion

From the few reports we have been able to obtain about this dispute it is clear that the decision has not calmed, through legal interpretation, an already difficult situation. As the Mohawk dispute in Quebec showed last year, Canadian Indians are again talking about extra legal action to draw attention to their claims. In the reverberating protests in 1990, action in one corner of Canada was quickly seized upon by Canadian Indians in another.

That seems likely to occur again.

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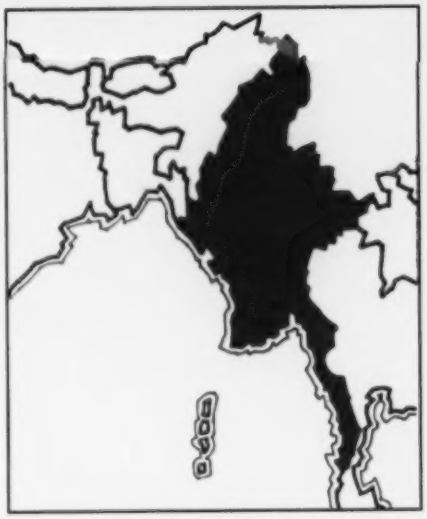
View of British Columbia. Photo: Jørgen Brøchner Jørgensen.

Human Rights in Burma

Oral Intervention of the International Work Group for Indigenous Affairs to the UN Human Rights Commission

by Mr. Maung Kyin Zaw



BURMA, South East Asia

Mr. Chairman:

In its sessions of 1989 and 1990, the Commission on Human Rights considered the widespread violations of fundamental human rights in Burma, and expressed its concern over the lack of democratic freedom in the country. In its 46th session in 1990, the Commission on Human Rights called for the appointment of an independent expert to observe the human rights situation in Burma.

The Burmese people warmly welcomed the visit of Professor Zarabo Ogata, the independent expert of the U.N. Human Rights Commission, with the hope that U.N. could save the lives and stop the suffering of the Burmese people under the repression of the military dictators,which has lasted for nearly three decades. However, the Burmese people were sorry for the lack of a chance to express their hospitality to Mrs. Ogata and to inform her of their suffering, as her trio was much restricted by the SLORC regime.

The human rights situation in Burma has become much worse since the general elections on 27 May 1990. The entire Burmese people have expressed their will in May, when the opposition National League for Democracy (NLD) party won a landslide victory. However the military junta has been stalling for the time to transfer power to the representatives of The Peoples Assembly, and insists that first a draft of a new constitution must be written. The military junta stipulated that this new constitution must be submitted to a national referendum and approved by the army. This is contrary to their promise, made before the elections when the military junta stated that its duty was only to hold the elections, and after that it would not interfere with the constitutional process.

The military junta denied, with order 1/90, the immediate calling of a peoples' assembly, and the transfer of power to the peoples' representatives and formation of a government by them. Members of the peoples' assembly rejected order 1/90, and in accordance with the "Ghandi Declaration" sent a petition calling for the principle of "non-crude, co-relation and the smooth transfer of power to the Peoples Assembly". As for the NLD, it had proposed on many occasions, to hold a dialogue with the military junta. But the military junta ignored the proposals and had instead mounted pressure on all the political parties which adhered to, and were unified under the Gandhi Declaration.

More political leaders were arrested and detained. Newsletters, bulletins and publications of political parties were prohibited, and those caught with political publications were harshly treated. The NLD township offices were raided and searched by the army, police and military intelligence. Elected members of parliament and political organizers were called in for interrogations, and some were arrested. According to our reliable sources, more than 80 members of Parliament were arbitrarily arrested.

Today, over 4,000 people have been imprisoned for political reasons. Many of them have been detained without charge or trials. They are usually subjected to physical torture such as beatings, cigarette burning, electric shock and psychological torture. It is found that the methodology of torture has been relatively consistent in Burma over many years. U maung Ko, an executive member of NLD, was tortured to death last November for withholding information on a meeting of his party.

Peaceful rallies of the students, Buddhist monks and people, demanding the transfer of the state power to representatives elected by the broad mass, were brutally suppressed. Two Buddhist monks and two students were killed and hundreds wounded during a mass rally in Mandalay on 8 August 1990. Fourteen students were killed and many wounded the next day in another mass rally in Pakoakku City. Buddhist monasteries in cities in Upper Burma were raided by soldiers, monks were driven out or arrested. There are now over 400 monks in Mandalay prison. Public buildings within fifty feet of monasteries were ordered to be knocked down and the inhabitants moved out to the open fields.

Since July 1989, fifteen military tribunals were formed, with the military commanders empowered with the authority to pronounce death sentence, life imprisonment and a jail term of not less than three years with hard labour to those found guilty of breaking martial law, with no rights of appeal. These tribunals have given death sentences to over a hundred people, among which twenty four have already been carried out. Although the lifting of martial law was announced in some townships, notification 8/88 and martial law order number 2/88 which strictly prohibit the rights to free

dom of expression and assembly, remain in force throughout the country.

More than 500,000 urban dwellers were forced to move from their homes to new satellite towns. These people lost their jobs and have been facing unemployment problems. Satellite towns lack proper transportation systems, health facilities, electricity and schools.

In the meantime SLORC has been stepping up its war against the ethnic nationals. Soldiers enter ethnic villages, murder villagers, loot properties and ransack the villages. People including children, pregnant women and the elderly and sick, were seized at random to serve the soldiers as porters. These porters were ordered to carry excessive loads and were very often used as human mine sweepers. They were half starved, ill-treated and some faced execution. Some 40,000 civilians fled the atrocities of the soldiers and have sought temporary refuge in Thailand.

Yet another miserable problem in Burma today is the 3,000 students who have been taking refuge along the Thai-Burma since the time they were driven to the borders due to the military coup in 1988. They have been facing the problems of disease, frequent attacks by SLORC soldiers, shortage of food, medicine, clothing and shelter. Over one hundred of these students have died in the past two years.

The Burmese people are also facing the dangers which have resulted from the destruction of Burma's environments and forests by SLORC. Teak and other woods are being felled and exported through Thailand with no obvious attempt at replanting. The revenue from the wood, as well as those from marine resources, is being used in large part in the purchase of aircrafts, tanks, coastal gun boats, big and small arms with the purpose of suppression of democratic movements and the escalation of the country's civil war.

Mr. Chairman,

In conclusion I would like to point out that the military government of Burma is not based on the will of the people as required under international law. By neglecting the will of the entire people which was clearly expressed at the general elections, the SLORC regime is violating the internationally recognized right to self determination and the rule of law, a fundamental principle recognized by all civilized nations.

Burma has become a country shrouded in darkness because of all the unlawful arrests, tortures, persecutions and human rights violations of the SLORC. In such situations, it is absolutely impossible for representatives elected by the people to call a Peoples' Assembly and establish a legitimate government. Therefore, representatives of NLD, Party for National Democracy, and individual peoples' representatives have on 18 December 1990 established the National Coalition Government of the Union of Burma. The government has the full support of the ethnic national movements. The people inside Burma, if they are given free and fair privileges, will give their full support as well. As a matter of international law, the National Coalition Government of the Union of Burma holds the claim to legitimacy as the sole government of Burma.

Mr. Chairman,

In order to help alleviate the conditions we have briefly summarized, we call on the international community through this Commission,

1. - to recognize the legitimate National Coalition Government of the Union Burma,
2. - to cancel the seat of the illegitimate SLORC regime at the U.N.
3. - to exert maximum political and economic pressure on SLORC regime, so that it will

a) - release all detained political prisoners, including NLD leader Daw Aung San Su Kyi,

b) - stop unlawful banning, arrests and other human rights violations,

c) - respect the will of the people of Burma, and

d) - respect U.N. charters, international Declarations of Human Rights and International Laws.

Thank you Mr. Chairman.

February 1991. ❑

In a Mon village, Burma. Photo: IWGIA archives.

The Chittagong Hill Tracts

The Chittagong Hill Tracts is the homeland of 12 tribal hill peoples numbering about 600,000. It is situated at the southeastern corner of Bangladesh wedged between the Indian states of Tripura and Mizoram. Covering 5,093 square miles (10 per cent of the country) and rising as high as 10,000 feet in places, the hill ranges contain limited cultivable land in contrast to the highly populated flood plain of Bangladesh.

The hill people differ markedly from the Muslim Bengali majority in Bangladesh. The largest groups, *Chakma* and *Marma*, are Buddhist, the Tripura people are Hindu while the smaller tribal peoples such as the *Pankhua, Bawn* and *Mru* are Christian. They practise a mixed farming of plough cultivation in the fertile valleys and swidden agriculture on the hill slopes, known as *jhum* cultivation.

The British annexed the Chittagong Hill Tracts in 1860 and in 1900 passed a Regulation which kept the area apart from the plains by limiting migration and separating the administration. In 1947, the Chittagong Hill Tracts became part of East Pakistan.

Between 1957 and 1963 the government built a massive hydroelectric dam at Kaptai which flooded 54,000 acres of plough land taking 40 per cent of the terrain available for cultivation from the tribal farmers. 100,000 hill people were affected, few received any compensation and thousands fled to India. 40-60,000 remain in Arunachal Pradesh to this day stateless.

After the Bangladesh war of liberation, the people of the Chittagong Hill Tracts were inundated by settlers moving up from the plains. Between 1979 and 1983 a government transmigration policy brought 400,000 settlers into the Hills, to areas where there was no land for them, but they were now squeezed out of what little had been left to them.

A guerilla movement of the Hill People

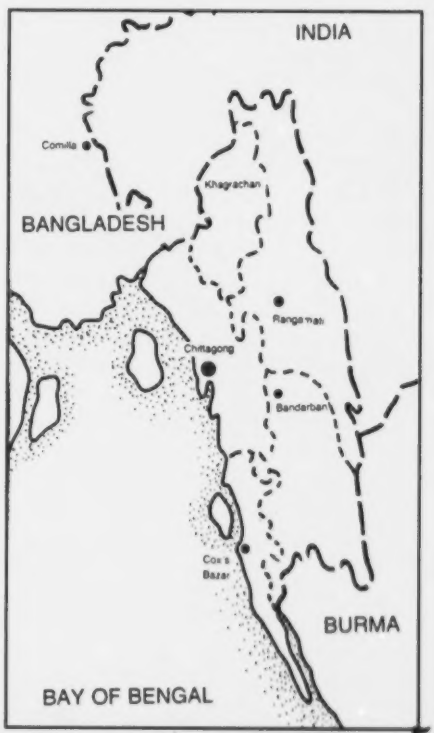
known as the *Shanti Bahini*, took to arms against the Bangladesh army and the settlers. The military have used counter-insurgency against the guerillas as an excuse to oppress the tribal people. For over ten years accounts of massive human rights violations has emerged from the area with questions raised at the United Nations and the International Labour Organisation.

In 1989 the Bangladesh government brought in a new District Council Law. The claim was that it would bring autonomy to the Hill Tracts under Councils led by predominantly tribal people. However the paltry powers of the District Councils with regard to important issues such as land rights and their establishment by force has greatly discredited their claim as autonomous bodies.

Life is not our's - Report of the Chittagong Hill Tracts Commission

The report is divided into eight sections:

1. The preface explains the background to the establishment of the Commission, describes the itinerary and the conditions under which the material was gathered.
2. The section on the political and legal history of the CHT traces the background to the problem from the British colonial period to the present day. From eye-witness accounts, it describes the attempts to negotiate an autonomy for the hill peoples and the establishment of the District Councils.
3. Militarisation in the Hill Tracts is total. The army controls all major aspects of civilian life. The Commission heard detailed accounts of human rights violations - killings, rape, torture and imprisonment without trial. There are over 50,000 armed men in the Hill Tracts fighting a guerilla force of between 500 and 1,000. The counter-insurgency strategy consists of relocating all the population, both tribal and settlers into cluster-villages where there is strict control of movement.
4. The chapter on land and dependency covers three areas. It describes the land tenure system in the Hill Tracts and documents how most of the plough land in the area is clearly titled and held by hill people. It explains how the resettlement programme is turning tribal people from being village farmers into becoming dependent labourers for plantations, sponsored by investors such as the Asian Development Bank. The chapter concludes with a description of land dispossession by Bengali settlers. A case study describes land-grabbing by settlers and corroborates evidence given by a refugee in Tripura with a visit to this invaded lands in CHT.
5. This section is a detailed description of the development projects which are taking place in the Hill Tracts frequently under the auspices of the military. It points out the way in which development is imposed on hill people through the Chittagong Hill Tracts Development Board. Deforestation is taking place at an increasing rate and a plantation economy is under construction without any idea of the devastating ecological consequences.
6. This chapter looks at cultural and religious discrimination against the hill peoples of the CHT who, in spite of a higher literacy rate than elsewhere in Bangladesh, are seen as "backward and lazy" by outsiders. Cultural activities are disappearing from village life and becoming folkloric items of entertainment for visitors. Religious persecution includes forced conversion, the destruction of temples (several of which the Commission visited) and the murder and torture of monks.
7. This section looks at the social problems in the Hill Tracts. It shows that in spite of the government putting some resources into health and education, the hill people miss out on the benefits which go predominantly to the settlers. The sufferings of women. particularly through rape on a massive scale, has been highlighted in the report. The effect of this rape has devastating repercussions for the society of the hill peoples.
8. The conclusions and recommendations are, briefly, as follows:



Conclusions

1. The CHT are under military control.
2. In spite of repeated military and governmental statements that violations of human rights will not continue, attacks by military and Bengali settlers continue.
3. People lie in order to function in the oppressive situation in which they find themselves.
4. The settlement of Bengalis from other parts of Bangladesh has led to massive violations of property rights of hill people.
5. There is a massive and largely involuntary reorganisation of both hill people and Bengali occurring in the CHT into "cluster villages".
6. There is a constant denigration of the economic, social and cultural characteristics of the Hill People by government military and settlers.
7. There are very serious ecological threats in CHT.
8. There have been serious problems with the process of developing the new system of District Councils in CHT.
9. There have been massive violations of human rights of the hill people in CHT.

Recommendations:

1. Land issues and the presence of the Bengali settlers.

Authorities in CHT broadly accept that moving in 400,000 Bengali settlers into the

CHT was a mistake. Throughout the area there is a strong consensus among hill people that the settlers should leave. Whereas the Commission agrees that the return of the settlers to the plains is the ideal solution, it makes the following practical recommendations:

a) No further settlement in the CHT by outside settlers should be permitted;
b) A neutral and expert body must examine the legality of title to lands in CHT, particularly where settlers have illegally occupied hill people's lands;
c) Many Bengali settlers are themselves victims of poverty and exploitation and want to return to the plains but lack the resources. Voluntary relocation should be discussed in the context of foreign aid support;
d) The cluster villages should be dismantled immediately,
e) There should be an immediate assessment made of the carrying capacity of land in the Hill Tracts;
f) CHT regulations of 1900 should not be repealed in total and the law should recognise the authority of government in the CHT.

2. Autonomy

a) A process of demilitarisation of CHT must begin immediately. The effect of this will be to enable a democratisation of the area and the legalisation of all banned parties. The people of the CHT must be allowed to control their own future.
b) Future discussions should no longer be about whether autonomy should exist in the Hill Tracts but rather what should be the institutions exercising autonomous powers, the extent of those powers and the legal basis for autonomy.
c) The District Councils are very weak with regard to land, education, social and cultural matters and many other aspects of life in CHT. Any future body should be stronger in dealing with these questions.
d) Throughout the Hill Tracts people repeatedly preferred a single autonomous government for the CHT rather than the three District Councils. This would give the people more strength in dealing with the national government. The Commission recommends that there should be a referendum in CHT on autonomy with the voting confined to hill people.
e) Process of elections to the District Councils were fundamentally unsatisfactory and election procedures must be improved.
f) Present District Council laws should be repealed or amended. There should also be Constitutional protection of any future autonomous government.

3. Human Rights Violations

This report has clearly documented massive human rights violations in the CHT

Takumbari camp chairman welcomes Commission. Photo: Andrew Gray.

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which constitute a genocidal process. Hill people have been murdered, crippled, raped, tortured, imprisoned and deprived of their homes and means of livelihood. They have been denied economic, social and cultural rights. There has been extensive and massive illegality over land under Bangladesh law. The Commission recommends a continuing monitoring body to continually watch human rights in CHT.

A Special Rapporteur of the UN should be established, supplemented by continuing investigations by the ILO and competent NGOs.

Quotes from Testimonies given to the Commission

1. An exiled Buddhist monk:

"Recently a Bonowanty Festival was arranged near Rangamati. People in CHT feel that if they attend the festival it will be beneficial. The ceremony is called the "Difficult Cloth Present" when people will prepare cotton, spin, dye and give it to the temple. It is one of the most important festivals in the Buddhist calender. People from Kaptai went to the ceremony. Twenty-six people met some soldiers. The 10 men were separated from 14 girls and two women. The men were beaten up and forced to dance naked around the Buddhist temple and the women were gang raped in the forest. This took place on October 19th, 1990."

2. A Chakma Buddhist monk:

"I am a Chakma Buddhist monk. I was in the village of Boalkhali. At Boalkhali there was an orphanage, namely: Barabadtya Chadtal Bouddah Anath Ashram. This was an orphanage with a temple. There was a high school with the orphanage. We were 17 monks. On 13th June, 1986, Bengali muslim infiltrators burnt the houses of many villagers in the Dighinala Upazila with the help of army personnel from the nearest cantonment in the area. On 13th and 14th of June these army people from Dighinala came and burnt the houses.In the morning of the 14th June, many infiltrators burnt houses nearest to the orphanage and burnt our granary of the orphanage into ashes. After some minutes army personnel came to us and told us that they had no duty to protect the orphanage. Adjacent villages were burnt to ashes and we were afraid because the army personnel told us that they had no duty to protect the orphanage and so we had to leave the orphanage on that day. I had to leave with the orphans. We walked through the jungle with the orphans, at that time 80 orphans were present. I walked through the jungle with all of the monks. After seven days we reached the Karbook relief camp and were taken to shelter there."

3. A young Chakma woman:

"I came to Tripura in 1988. I saw my father hit by a dao as I was. They also cut off my hair. The incident took place with the assistance of the Bangladesh Army and committed in league with the settlers of Muslim infiltrators. during the same incident my husband was killed. We were gossiping on a private veranda when the settlers came and were about to escape. The houses were burned and we tried to escape the blazes. All the houses were burnt and we were chased and beaten up. My husband was the only person killed. The settlers did not come from our Upazila. They came to the veranda at about 11 o'clock in the morning, 15 Boisah, 1988. They attacked and raped the young girls on their way to school. I was hit by a dao and then raped. Six persons raped me. After this I was lying flat and the villagers came to collect me as I was unconscious. We were treated by some Chakma doctors in the Khagrachari hospital for wounds in the head. Then as there was no shelter with them we took shelter in India on 23rd of Zet month, 1988. We had only one domestic cow with us. The whole village moved to Tripura and all came to Karbook (20 families). My father's name is Taranga Mohan Chakma and he was also hit. My brother left and disappeared."

4. An exiled monk from pablakhali, Dighinala on events in 1985:

"On that day first the settlers and the army surrounded the temple. I was caught and my hands were tied with rope as were my legs. Water was poured through my nostrils. I was kicked with boots and my leg was cut. People came into the temple and caught all the girls. They took the girls a little way from the temple. I heard the cries of the girls - maybe they were raped but i did not see it with my own eyes. After a few days I met one of the girls but as a monk I have some restrictions and could not ask her what had happened.

The army perform sacrilege in the temples. They go in with boots and throw away food in the temple. Every day before 12 o'clock we offer food to Lord Buddha. The Muslims say: "Then why does not stone eat it?". The Army uses guns to break plates. Once I was about to offer food to Buddha and the Muslims entered and said "let's see if stone can eat", then they said "stone can't eat" and they took the plate from my hands and threw it on the floor. They bring animals into the temple and slaughter them: goats and cows. Buddhist people never kill animals so you cannot worship in the temple after that has happened. I have witnessed it. At Pablakhali in 1985, before the attack, about 35-50 army personnel en-

Buddhist monks and orphans at Takumbari Refugee Camp, South Tripura, India. Photo: T.B. Chakma.

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tered the monastery with 100-150 settlers remaining outside. They cooked inside the temple and burnt wood on the dirt floor and brought wood in. They killed the animals outside the temple but within the boundary of the temple. They did this to crush Buddhism and establish Islam. There was no reason for this."

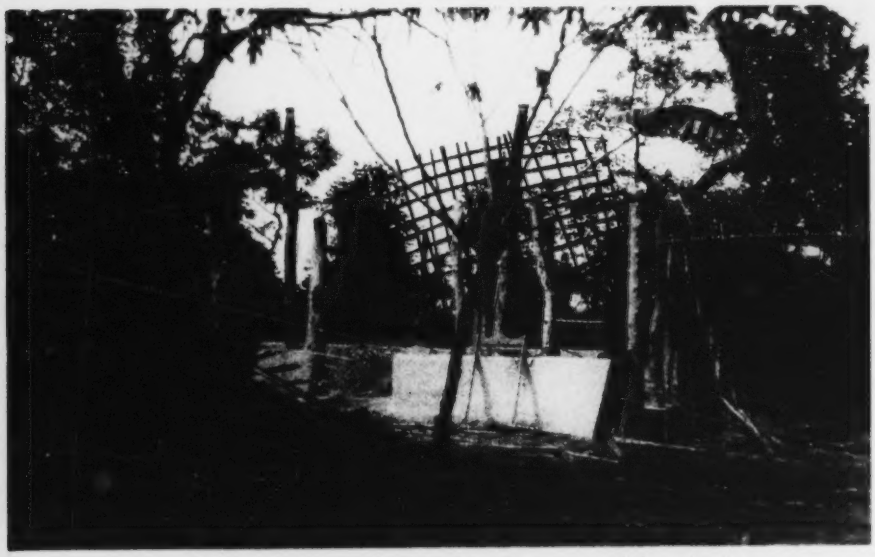
5. A monk from Dighinala:
"I was in Mani Gram Buddhist temple. On 12 June, 1986 when we tried to celebrate a function in the temple. All of a sudden some troops came and said: "Hey, what are you doing?" We replied: "We are going to wash our God". The soldiers said: "You cannot wash God because this is a Muslim state. You cannot worship the Lord Buddha, you have to abandon this religion and become Muslim". We refused to do so. Then the soldiers caught us and tied our hands and started to pour water on our heads. I was the only monk there, the other were villagers numbering around 20. All of us were tied in pairs and the soldiers starting pouring water and when they were not satisfied by pouring water they started kicking us with their boots. The water was not just water but it was mixed with green chilies. When we were tied up they stood with bayonets over us so we would not struggle. My skin started burning and most of us were injured as I was. I had cuts and sores on my legs. We were tied up in the afternoon and they started to burn the houses of the village which we could see. We were tied up from eight in the morning to four in the afternoon, a total of eight hours. The soldiers untied us. At about 5 o'clock they set fire to the temple and we went hiding into the jungles. The settlers were not with the soldiers when they tied us up, but were there when the village was burnt. There is a river called Chengi. After coming to the river we went hiding into the deep jungle. After four days trekking all through the jungle, I reached the border of Tripura and Karbook camp. In that lot we were around 450 people. Before 12th June there was no other incident. The only reason for attack was religion. If we became Muslim we could stay safe. I know one Marma who was my friend called Ucchmang. He was threatened that if he did not become a Muslim he would be harmed with his relatives. He was forcibly converted. He came from a different village, Mahalchari in Khagrachari District".

6. A man from Khagrachari District:
"Before this happened, one day 13 of us went to the market. I was not a monk then. The Bangladesh Rifles and settlers caught us and out of 13, nine were killed and four of us escaped. The reason was that we were not Muslims; they wanted us to be Muslims to take Islam. It was in the market itself and some of the people were also caught up from around. Among the people whom they caught was my wife. They cut her with daos - some of the marks on her neck are still there. She is in Karbook (refugee camp). This took place in the market itself on market day, Wednesday. The others ran away. They also tried to cut me with daos on the neck. Luckily my shirt collar was thick and I escaped from being killed. As they killed the others they shouted: "Oh, Chakmas! will you not become Muslim? If you refuse we will kill you know".

The Commission member, Wilfred Telkämper lays flowers at the grave of CHT villageres burnt by settlers, May 4th., 1989. Photo: Andrew Gray.

7. A man from Panchari:
"I lost my land. Settlers came and captured by land. They burnt our houses first. They came with soldiers. This took place on 1st May 1986 at Kalanal, Panchari. My house was in a village with a temple. The whole village of 60 houses was burnt. After seeing this we ran through the jungles and eventually reached India, coming to Karbook camp".

8. A new arrival at the camps in November 1990:
"Muslim settlers wanted to take us villagers to a cluster village but we refused to go there. The villagers were beaten up by the Muslim settlers of which three families managed to escape one of which is mine. These three families came to Khedda-rachara for *jhum* cultivation. We stayed there for one and a half years. The day before yesterday the Muslim settlers came to the same village and rounded up the households. The settlers were accompanied by Bangladeshi soldiers. I took shelter in a nearby latrine when the villagers were rounded up. Later I tried to leave the latrine to go somewhere else. The village had been surrounded. As I was trying to escape the Muslim settlers shot me. I saw



One of the many houses destroyed by the army and the colonists. Photo: Andrew Gray.

one settler who had a gun and he shot me. It was a single barrelled shot-gun. The incident took place in the early morning around 6 o'clock. After getting the bullet injury I ran away into a safe place. I don't know what happened to the other villagers. I ran away from the place for about half a mile. Then I fell down and lost consciousness. Two refugees went there to collect indigenous vegetables and brought me to the camp about 10 o'clock. I have been twice attacked to be taken to a cluster village, the second time I was shot."

9. A woman who fled from an attack on her village:
"I was in the jungle for three months and would like to explain more about it. I took shelter in the jungle on 30th May along with my friend. We constructed a small hut in the jungle which is very close to our village. We used to collect food and materials from the villagers. Whenever we could not collect we had to starve and sometimes we took wild potatoes and ate wild fruits etc... During that period Muslim settlers and the Bangladesh army were searching for us. We would move deep into the dense forest. We moved two or three times in a week. Although we did not meet other Chakma seeking refuge in the forest, I had heard of many who have done so."

Gautam Dewan, Rangamati District Council Chairman.
"In the CHT the land problem is the main problem. We have a land crisis because of the dam and the settlers."

Bengali political commentator.
"Religion is not the issue in the CHT but land. The Bengalis want land and so the result is a class struggle without the philosophy. Bengali Muslims want land and cheat the tribals."

Military officers:
"The time has come for us not to tell any more lies."
"The military deserve a Nobel Prize for what they are doing."
"In Bangladesh there is a better civilisation on the Plains, and there is a less developed civilisation in the Hills. In the Hills there are some roads, electricity and telecommunications and they are linked to the notion of civilisation... The civilisation are the contemporary civilisation of Bangladesh versus the tribal culture. They need schools, education, inter-marriage - intercourse between cultures, civilisation. There are accusations saying that we are trying to spoil cultures but the government doesn't do that. It is natural for human beings to want to conform to civilisation." ❑

The Commission leaves Takumbari. Photo: Andrew Gray.

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'LIFE IS NOT OURS'

THE REPORT OF

THE CHITTAGONG HILL TRACTS COMMISSION

IWGIA

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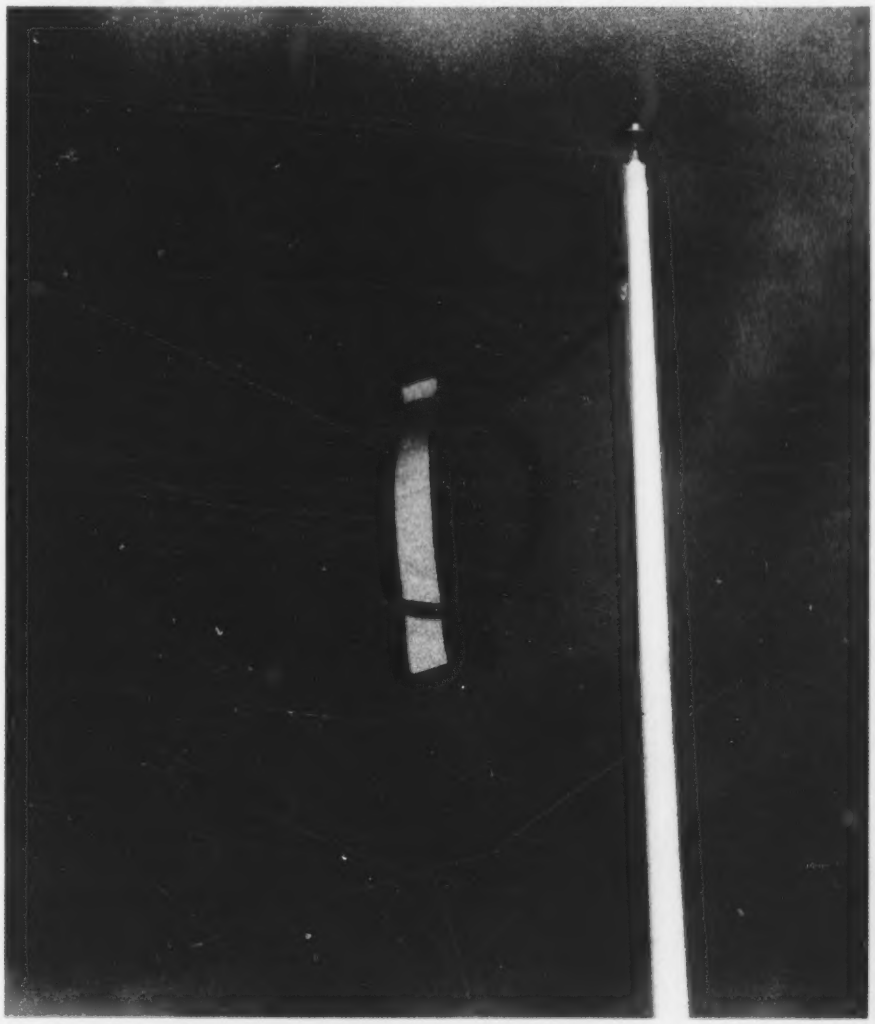
The Trekways of the Wind

- about the Saami Poet, Nils Aslak Valkeapää

by Harald Gaski

Nils-Aslak Valkeapää (b.1943) is the winner of the Nordic Council's Award for Literature of 1991 for his book, *Beaivi, Ahcazan* (*Solen, min far* in Scandinavian translation; "The Sun, my Father" would be a literal translation into English). The book is a combination of old photos and new-written lyrics. He spent 6 years collecting the photos in museums all over Scandinavia, in Paris, Rome and Seattle. Every picture and every poem have their own numbers, so all together the book consists of 571 pieces. At the wish of the author, the photos should be left out in every translated version of *Beaivi, Ahcazan*. Therefore the Scandinavian edition, *Solen, min far*, only consists of translations of the poems of the illustrated lyrical work; it appears as an appendix to the Saami book. The historical photographs show the Saami and their way of life as recorded by the first photo reportages at the end of the last century and the beginning of this one.

As far as the author is concerned, *Beaivi, Ahcazan* is intended primarily to be a book about the Saami, for Saami readers. For this reason, he has also given himself free rein with the full potential of the Saami language to express the sound and timbre, accuracy and precision, derivations and deceptions, musicality and "*yoikality*" of words. The text, however, has something to say to everyone on this earth. It may therefore be more appropriate to tear the text away from its close and intimate relationship with Saami language and culture, precisely by excluding the pictures that guide, but simultaneously limit, its reading. The pure text goes a long way, the imageless translated edition is intended to stand alone, to convey its message by the power of its words alone. But images will grow out of the language, and the *yoik* will sound in the background. And even a reader in Manhattan, who has never heard a *yoik* or knows what a reindeer is, will sense something behind the words, the strength of what was the native people's culture. We can only preserve what we understand, and we must know the terrain behind us if we



The Nordic Saami Flag was raised for the first time in 1986, in Åre, Sweden at the XIII Saami Conference. Photo: Jørgen Brøchner Jørgensen.

are to find the way ahead. Perhaps we should all learn as the poem has it, to open the door outwards when we step inside.

Nils-Aslak Valkeapää was brought up in a reindeer-breeding family, but he himself is an educated teacher. However, he has never practised teaching, his life he has dedicated to the arts. He has also been active in organizing Saami artists to secure their rights, and he was the first cultural coordinator in the World Council of Indigenous Peoples. During his period as Coordinator, the big cultural festival, *Davvi Suvva* (Breeze from the North) was held in Saamiland in the late 1970s. Today, Valkeapää is, among other things, one of the key persons behind a small Saami publishing company, where his work also includes the task of looking for new talents in Saami writing. He travels a lot around the world presenting Saami arts to new audiences.

Valkeapää's reputation comes from more than his writing. He is also a marvellous performer of the traditional Saami folk music, *the yoik*, which he also has tried to combine with modern jazz, as well as classical music. The CD he has produced to accompany the book, will probably best be classified as a type of symphonic *yoik*. Furthermore, Valkeapää is a well-known painter; he has f.ex. done all the illustrations himself to his earlier book, the synthesis of words, yoik and pictures, *Ruoktu vaimmus* ("Home in heart"), a trilogy from 1974, 1976, 1981, published in one volume in 1986. In 1987, the book was published in Swedish, entitled *Vidderna inom mig*, and the Norwegian version published in 1990 was entitled *Vindens veier*. The book is now being translated into English and will probably be published in the USA in 1992.

Perhaps it is the hem of the Saami frock (the national clothing of the Saami people) of the daughter of the Sun that graces the cover of *Ruoktu vaimmus*; perhaps it is her magic power that attracts the reader and draws him into the book - to its pictures, its yoiks and its text. At any rate, the reader is aware of this attraction - of the way he is sucked in, the excitement of finding out whom one will finally meet after wandering through the wide open spaces of the tundras, of the book to the words, to the greeting: "How are you, my friend." Later on in the text, we again meet the frock-clad woman wearing shoes made from reindeer hides, in a poem that is a declaration of love for the Saami country and the Saami people. So closely related to the author are the rolling plains, the glittering sea and the people of these northern regions that they have almost become a part of himself. "All this belongs to my heart/And all of it moves with me."

Ruoktu vaimmus and *Beaivi, Ahcazan* are commissioned works, not in the sense that someone has specifically asked Nils-Aslak Valkeapää to write the books, but rather in the sense that the author himself has felt that his people expect something from him. Given Valkeapää's aesthetic philosophy and ideological point of view, it is quite natural that the basis for his work and his ethnic identity demand of him that the artist *Aillohas* (his Saami artist-name, meaning "the little Ailo") should define his relationship to the community by composing a yoik that will integrate him into it. This yoik has become the books. Traditionally, a Saami must have his own yoik in order to be completely accepted as an individual, as a member of the community. Aillohas continues and renews this tradition by giving the Saami people as a whole, their own yoik, not as a national anthem, not as something to be learned by heart and presented on ceremonial occasions, but in the form of books for a people, for whom the concept of "book" was long synonymous with the Bible. There was no other reading matter, and no other reading matter was needed. But now we are living in a new period, a time in which traditions change, when the continuity between the old and new is scarcely taken care of, and when the wisdom of the old ways is no longer preserved, but is forgotten.

It is the artistic polymath who unites the words, images and music that feature in a modern project, aimed at the future and powered by the past. Just as the Saami of old need to master a range of techniques and ways of hunting simultaneously in order to survive in a harsh climate. Aillohas wishes to have several artistic techniques at his disposal. He prefers not to specialize in a single art form, because it is plurality that enriches life most. In the old society, for example, it was important not only to be able to make a good knife and decorate it beautifully, but also to be able to use it. For Aillohas, it is not enough to create the words of a yoik; he also needs to compose the music and to perform it. The performance conjures up images that either illustrate what the yoik is describing, or are a digression based on the associations produced by the yoik. Aillohas is a hunting Saami shaman in our modern media age, and he demonstrates the importance of solidarity and of belonging to a location, environment and people.

"I have never written with a view to translation, and some of what I write is intended primarily to be read only by Saami," he says. Nevertheless, the positive reception accorded to both *Vidderna inom mig* and to *Solen, min far* by Scandinavian readers after the nominations for the Nordic Council's Award for Literature, surely suggests that Aillohas work is also valued by others. This is confirmed by a growing international interest in the literature of the Saami and of other native peoples' cultures. And it is precisely an aspect of the richness of art that it can offer its different users different inputs and experience of what they see, read and hear, even though this need not correspond to the primary target group's reading of the text...

Valkeapää is an internationalist in Saami art; his base and starting point are the values of the traditional Saami culture: "*How I honour the old Sápmi/To be able to love for ten thousand years/without the right/to call Saamiland, Saamiland/without the right to Sápmi/to be a Saami/How could one live for ten thousand years at war with nature/watch the smart ones of the new age/ pollute the world, poison/eat it bare/gnaw its bones/Homo sapiens the smart human*". But once he has established the connection to the Saami heritage, and "*when the sun at long last will be held aloft/when one's mind is swept clean of the hard drifts of winter snow/it's time to turn one's thoughts around/sail the sea of the wind/to the horizon/get ready for the spring move,*" the internationalist once more takes off on his journey - out into the world, into the psyche: "*and so I let out/ to the ocean of the ages/ moving along with/ the trekways of the wind.*" ❑

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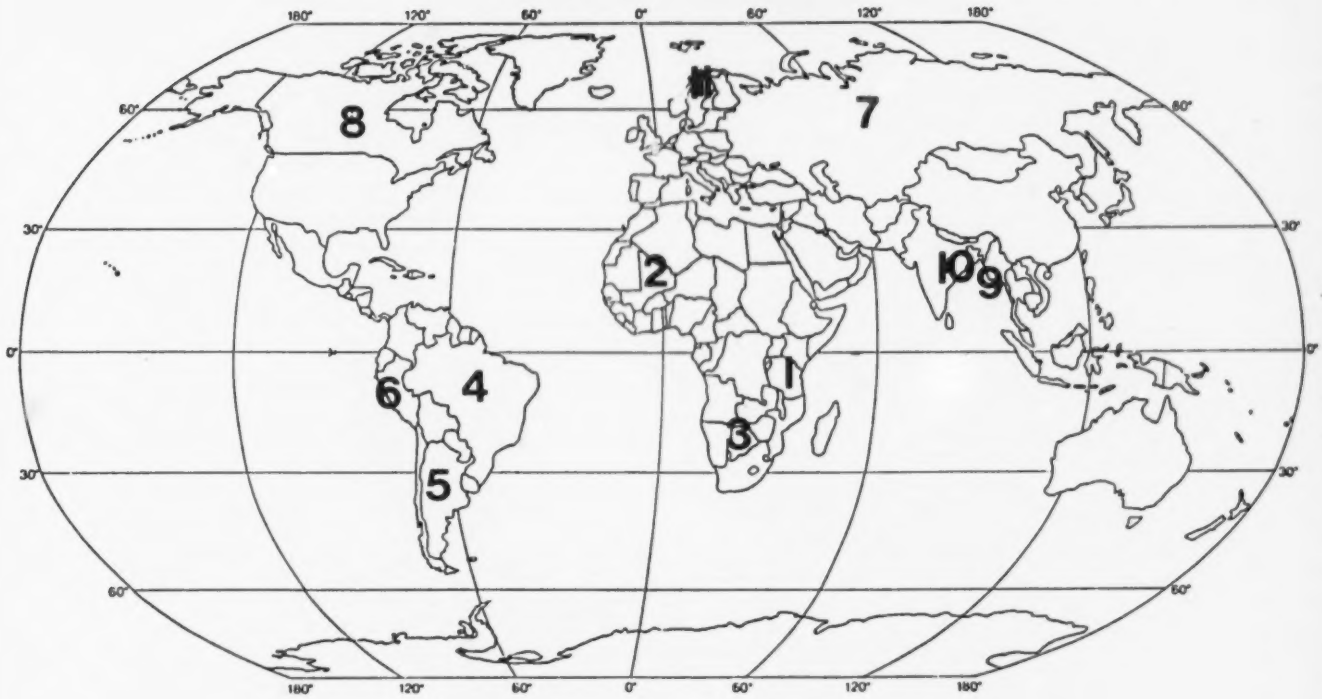

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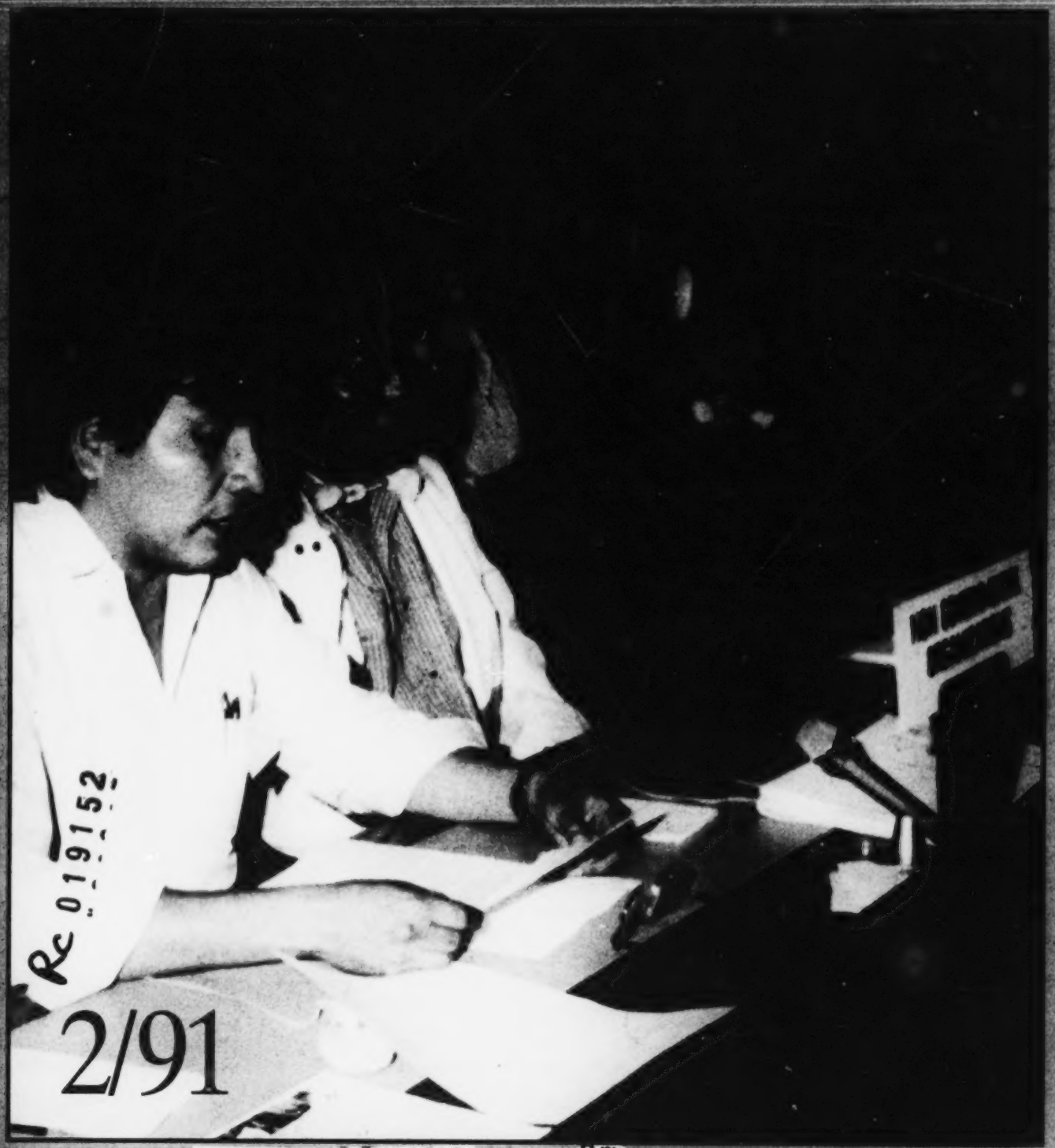
NEWSLETTER

IWGIA

No. 2 · November / December · 1991

International Work Group for Indigenous Affairs



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Editorial

United Nation's Working Group on Indigenous Populations held its 9th session this summer. The main task for the Working Group is the writing of an International Declaration on the Rights of Indigenous Peoples and to review the developments which have taken place in the indigenous world the preceding year. As in previous years we reprint some of the statements made by indigenous representatives. We consider these important documents in order to understand the background to viewpoints, feelings and aspirations of indigenous peoples.

Together with three small statements published during the meeting in a special Working Group Newspaper, these speeches are compiled separately in this IWGIA Newsletter.

Two statements deal with the situation of the pastoralist nomads of East Africa, specifically the Maasai in Tanzania. These people have only been represented at the UN meeting during the last two sessions and we can only hope the Working Group chairwoman Mdm. Erica Daes will accept the invitation to visit Africa as proposed by one of the two speakers.

Like in Africa, many Asian governments do not even recognise the existence of indigenous people within their territories. In a joint statement, indigenous delegates from Asia urges the working group to pay particular attention to the millions of indigenous people in this continent. It is noteworthy that indigenous people from Taiwan (one of the few countries which has no membership of UN) appeared for the Working Group for the first time.

A short and moving statement was given by an old Xavante from Brazil who had left his homeland for the first time in his life. As a symbol of mutual understanding between political leaders he presented Mdm. Daes with a traditional Xavante "Uibró".

The indigenous input to the Working Group meetings is extremely important and decisive for the result of the drafting of a Declaration of the Rights of Indigenous Peoples. It is now expected that a final draft can be made in 1993, the UN Year of Indigenous Peoples, and presented to the UN Human Rights Commission.

499 years after Columbus the Indians in Latin America still suffer from broken treaties (a special study on treaties is being carried out by a member of the UN Working Group) and human rights violations including evictions from their home lands. This deplorable fact is documented in articles from Mexico, Brazil, Paraguay and Argentina.

In May 1990 the island of Bougainville declared itself independent from Papua New Guinea. The Bougainvilleans are culturally related to the nearby inhabitants of the Solomon Islands, but became indigenised by the drawing of the post-colonial borders. The international media have not paid much attention to the heavy suppression of this indigenous group which now appeals for support.

From that part of the world we also bring a petition from the Belau Trusteeship Council.

Although the Indonesian annexation of East Timor reminds of the Kuwait case and although the potential of a major oil strike led Australia and Indonesia to sign the so-called "Timor Gap Treaty" there has been no similar "Kuwait factor" in support of the East Timorese people.

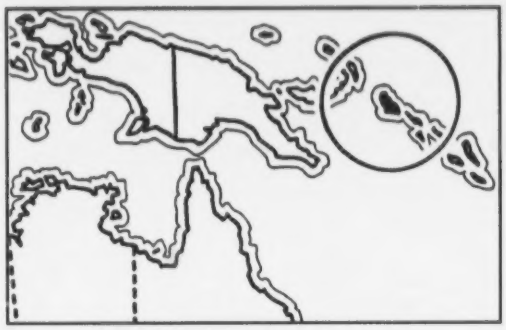
From the Soviet Union (Russia) we publish an important document adopted by the indigenous people of this country earlier this year.

We also publish the conclusions and recommendations from a UN meeting of experts held in Nuuk, Greenland in September this year. Greenland is among the indigenous territories which has the most far-reaching self-government in the world. ❑

Jens Dahl

Cover: *Indigenous representation at the UNWGIP-meeting in Geneva. Photo: Alejandro Parellada*

Bougainville: Actual Situation



Bougainville, Solomon Islands

Background

For the past three years the island of Bougainville, Papua New Guinea, has suffered from civil war, military campaigns and now a physical blockade. Bougainville is approximately 200 kms long and about 40 kms wide with a population of 160,000.

The center of the conflict between the Bougainvilleans and the Papua New Guinea government is the Panguna copper mine. This mine is situated on the land of the *Nasioi* people, a matrilineal clan who pass land from mother to daughter.

The women of Bougainville, whose matrilineal land was taken by the gold and copper mine, grieved their loss, and organised to regain control over their lives.

Mine wastes discharge into Empress Augusta Bay on the west coast, passing down the Jaba River, passing through the land of Nagovisi and Banoni. By 1988, young Bougainvillean men no longer respected their elders. They could work at the mine, treat their pay as a personal possession, drink, gamble and crash their cars. Traditional society was at a breaking point.

The Papua New Guinea government is a major shareholder in the mine, and depends on its profits to finance government activities. Yet the government gave little to the Bougainville islanders, who felt they had become a sacrifice on the altar of national development. When islanders called for compensation, even though the damage from such a huge mine can never be compensated, their demands were treated as blackmail, to be dealt with by the police riot squads and the PNG Defence Force.

Bougainvilleans felt they had been invaded by a foreign country, and rose up. They drove the PNG army and riot squads out, and proclamed independence in May 1990. The PNG government then announced a blockade of the island which has isolated the Bougainvilleans from the surrounding world.

In January 1991 the socalled Honiara Declaration was agreed upon. This agreement was meant to establish a multinational supervisory team, to end what is now a 12 month long blockade of the island, and to restore badly needed services. Both the Bougainville Revolutionary Army and the PNG Defence Forces were to "restrain from the use of weapons and arms."

Military Intervention

Then, on Saturday the 13th of April, 300 Papua New Guinea Defence Force Troops landed on the island in an attack which was a surprise to both the Bougainvilleans and, it seemed, to the PNG cabinet. A PNG patrol boat bombarded the Bougainville Revolutionary Army camp at Kobaun and also destroyed a bridge about 16 kms from Arawa. The destruction of the bridge effectively cut the island in half.

The result is a military stalemate. More than ever Bougainville is split in two, partly under PNG Defence Force control, the other greater part in the hands of Bougainvilleans. This suggests a lengthy impasse, neither side being able to decisively win or lose in a direct confrontation. In the middle is the civilian population, often disenchanted with the hardliners and gunmen on both sides. It is the civilian population of 160.000 which continues to suffer, as normal services have nowhere been restored, not even on Buka, which has now been under PNG Defence Force control since September 1990.

In the short term, it is precarious political balance in Port Moresby which stays the hand of those who see Bougainvilleans as culpable, and meriting punishment rather than a careful effort to re-establish trust and common ground.

However, there is no guarantee that the present restraint will persist. There is much talk in the national capital, Port Moresby, of using Gurkhas, not only to train the new National Guard now being formed, but in greater numbers to augment the firepower of the PNG Defence Force, to forcibly restore the rebellious island to the government.

Despite this danger, efforts to implement the Honiara Declaration continue, in the face of the chronic unwillingness of the PNG government to agree on a single approach and then stick to it. Implementation of the Accord continues to be hampered at every turn, by obstructing in PNG, and vacillation abroad.

The greatest danger is that Deputy Prime Minister Ted Diro may unleash a fresh assault on the island, in hope of being able to depict himself as saviour of national unity, at a time when his past is now about to be judged by a Leadership Tribunal set up to hear a long list of charges against him, under the Constitutional clauses which define the responsibilities of leaders.

Ted Diro, despite the charges, is still entitled to call himself Deputy Prime Minister, although he has been relieved of responsibility for any ministry. Mr Diro has long spearheaded the warrior approach to the conduct of nationbuilding, and has been among those who saw the

Bougainville islanders' attempt to get their problems addressed as criminal, to be dealt with by force. His power is little diminished by the convening of the Leadership Tribunal.

Civil War?

There are many political leaders in PNG who share that assumption that the demands of the Bougainvilleans are illegitimate. Opposition Leader Paias Wingti said the goverment's main failing over Bougainville is that troops were not used earlier. In the PNG government, Provincial Affairs Minister Fr John Momis, himself a Bougainvillean, is often a lone voice pleading for political rather than military means of managing the ongoing crisis.

Thus the country remains poised on the threshold of civil war, with the military scenarios suggesting a lenghty and inconclusive conflict, such as occurs increasingly all over the world, wherever ethnicity is a major factor in political life. The greatest challenge to PNG's nation building persists, with little sign of solutions other than to blame the islanders.

The chronic divisions within the PNG cabinet have not been conducive to policy initiatives. More energy has been expended on undermining existing policy, which favours rehabilitation and reconstruction, than on coming up with fresh approaches. Even the few ministers who had been actively involved in promoting a political solution, such as Foreign Minister Sir Michael Somare and Justice Minister Bernard Narokobi, have withdrawn in impatient frustration from any further involvment in promoting dialogue.

Keepers of the Peace

The major failure was the PNG's government's inability to live up to its undertaking to establish a peacekeeping force, defined in the text of the Honiara Declaration of 23 January 1991 as a Multinational Supervisory Team (MST). The MST failed to materialise for several reasons. Firstly, the very idea of an MST was a major concession offered to the Bougainvilleans by the PNG to the Honiara talks, and was never endorsed with any enthusiasm by PNG ministers who continue to see state violence as the answer. As a result, PNG's negotiations with other countries to set up the MST were slow and inconclusive. Secondly, Australia was to have been a key nation in such a peacekeeping force, and after much indecision, the Australian government turned down such an active role, deciding instead that it might be prepared to oversee an already created peace, but it was not willing to actively create peace. Australia's diplomats at the United Nations are urging that Australia take a higher profile in providing peacekeeping contingents, but in Canberra there remains a lingering hope that, to paraphrase Australia's Foreign Minister, the disease of secessionism can be prevented from succeeding.

Thirdly, the MST foundered on ambivalence within Bougainville as to whether Australian troops would be welcome, given the acute awareness on the island that the gold and copper mine at the root of the problem is Australian, and that Australian assistance to PNG's armed forces, both weapons and training, has dramatically escalated to over $50 million year, as a direct result of the Bougainville crisis.

"Revolutionaries" agree to ceasefire

In early May, signs that a peacekeeping force may yet be possible, were made public during a visit to Australia by Nigeria's Chief Anyaoku, the Secretary-General of the Commonwealth. There is still a possibility of a fresh initiative to create this key instrument of the Honiara Declaration, but Chief Antaoku also made it clear that his way of working is by consensus, so any objections by PNG will put an end to these cautious explorations.

The price of the failure to involve other countries in providing peacekeepers is that there is now no-one to whom any Bougainvilleans could surrender, were they minded to do so. There is no mechanism by which Bougainvilleans could make tangible any commitment to a peaceable outcome.

Despite all these discouragements, the Honiara Declaration is still working. Hardliners on both sides have denounced it, then repudiated it on the grounds that the other side had already done so. Yet Fr Momis, against all odds, has kept the peace process alive by extracting from Bougainvilleans whose commitment to peace was most questionable, unequivocal statements of preparedness to compromise, to announce a ceasefire, and a fresh willingness to work towards the restoration of services.

This is remarkable, given the frequency with which PNG and Bougainvilleans leaders were quoted as saying the Honiara Declaration is dead, and the consequent slowness in bringing in supplies to relieve the agonies of the islanders.

The absence of relief is so acute that most Bougainvilleans are no better of, four months after the end of the official blockade, than during it. There is now little doubt that the death toll was and is high. This was inevitable, as the Bougainvilleans had not readied themselves for a complete break with PNG, declaring their independence on 17 May 1990, only after war and PNG's announcement of a blockade. The effects of this continuing blockade are attested on all sides. PNG's Defence Minister, Benais Sabumei said there were at least five unecessary deaths a week just in the northern end of the island, a figure which suggests island-wide an increase of thousands above the natural death rate.

Fact finding missions have become frequent, but with a singular lack of action to relieve the sufferings they have documented. The Red Cross sent a doctor into Bougainville in February, but there is as yet no active Red Cross presence on Bougainville. A mission comprising representatives of Australian aid agencies, under the auspices of the Australian Council for Overseas Aid (ACFOA) spent time on Bougainville in late March, but this led only to a further fact-finding mission in early May. There is as yet no certainty as to whether their findings will be available publicly, or treated as the property of the Australian authorities who paid their fares.

Behind the scenes, these agencies have been reliant on Australian official assistance to finance any relief program, but decision making in Canberra continues to be paralysed by the fear of doing anything

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which might be unacceptable to elements within the PNG government. The greatest fear in Canberra is that nothing should be done which might in the remotest way be constructable as implying any sort of recognition of the Bougainvilleans in control of Bougainville.

This has placed a series of fresh obstacles in the way of international assistance, which will not be officially approved unless the relief plan can be shown to have the agreement of the entire PNG government, be evenhandedly delivered to those parts of the island under PNG military control and to those under Bougainvillean control, yet without involving the Bougainville Revolutionary Army in any way in the distibution of medicines. The net effect is that relief efforts are stymied, and the Australian government pays no heed to the pleas of aid agencies for urgent emergency relief. The latest stance of the Australian government is that any emergency assistance must be delivered to both sides. It must assist the PNG Defence Force plan to demonstrate its goodwill towards the civilian Bougainvilleans in those areas under military control, by helping restore a hospital in an area under military control. Aid may be available to the suffering bulk of the Bougainvillean population as well, but only if it can be shown to be delivered to informal community groups rather than to the BRA. The stipulation that aid be delivered even handedly to both sides may prove impossible in practice, and serve only to further delay action.

These political hurdles are crippling the relief effort. The humanity of dying Bougainvilleans has become lost behind the political exigencies of Australia's geostrategic policy. So acute is the Australian fear of being seen in any way to countenance secession that the Health Minister of the Solomon Islands has had much difficulty in obtaining a sympathetic hearing for his plea for assistance in financing his hospital in Gizo, because some of the patients are ill Bougainvilleans, who have crossed an invisible international boundary to seek urgent treatment. Gizo, in the Western province of Solomon Islands, is 150 kilometers from Bougainville.

Bougainville, Bangladesh and the Kurds

Australia's unwillingness to respond humanely contrasts with recent responses to the natural disaster in Bangladesh and the human disaster of the Kurds. It has so far prevented any Australian assessment of the humanitarian needs of the islanders, and an official denial that the island is in fact a disaster area. After several months of inconclusive talk, the best prospect is that, while there is to be no direct Australian response to official PNG requests for Australian assistance, the Australian government may assist Red Cross and other non government aid agencies with, at most, $350,000 by the end of June, with further $250,000 in the 1991/92 financial year. Even if this entire sum does materialise, it falls far short of the needs of an island described by Australian Catholic Relief as appearing like the post-nuclear ruin depicted in the Mad Max movies.

Military muscle flexing

A major consequence of the prolongation of the Bougainville crisis is the enhanced position of the military in PNG politics. PNG Defence Minister Benais Sabumei, in presenting his department's annual report to the PNG parliament in early May commented that: "I must say the Bougainville crisis was a blessing in disguise for the PNGDF where we have recognized our weaknesses and areas we should improve on." The Australian Government concurs fully in wishing to strenghten the capacities of both the PNG Defence Force and police to be more effective in combatting internal insurrections by PNG citizens. Spending by Australia under the Defence Cooperation Program has escalated from $19 million a year only two years ago to over $50 million a year, almost entirely due to the disguised blessings of Bougainville.

The ongoing repercussions of the Bougainville crisis also showed in the increased leverage PNG can now exercize in its determination to be rid of tiresome Australian restrictions on the end uses of weapons systems supplied by Australia. Australia's Defence Minister, Senator Robert Ray, is in a vice. On one hand, he wants to boost the capacities of the PNG Defence Force, which was so unable to exert military control over the Bougainvilleans, who in 1989 and 1990 united against what they felt to be a foreign invasion. Australia also wants to maintain the traditional Australian preponderance of supply to PNG, yet tell the world that everyone is welcome to sell weapons to PNG. At the same time, Australian exports are constrained by the regulations, enshrined in the Custom Act, which limit the use of Australian weapons. It was these regulations which continue to cause embarrassment, whenever Australian media bring up the use of Australian helicopters as gunships to indiscriminately fire at Bougainvillean villagers at the height of the fighting which Amnesty International later criticised.

In order to avoid future embarrassment, and in order to be able to compete as a weapons supplier, at a time when PNG, flush with revenues from new gold mines, is about to turn to the US, Spain, France and Indonesia for military hardware, Australia would rather drop its conditions. This is what Defence Minister Robert Ray was reported as having done, while in Port Moresby in early May. Then, on his return to Canberra, he announced that for major items the conditions will remain. The major items he instanced were helicopters and field guns. It is not clear what else is covered. This retraction caused considerable annoyance in PNG. Once again, PNG leaders felt Australia treats its former colony as if it were still a child.

Australia has invested a half billion dollars in PNG defence since Independence in 1975, and many military observers express disquiet as to whether the investment has achieved the desired returns. So far the answer appears to be to escalate the spending even further, as it remains a major premise of Australia's defence strategy that any threat to Australia can only come through – not from – PNG or Indonesia. It is this assumption which stiffens Australian resolve to ensure, at all costs, that PNG remains a single nation.

The growing confidence within the PNG military that it can run its own agenda, whether it has the full backing of the PNG cabinet or not, was dramatically shown when , in mid April, in the midst of implementation of the Honiara Declaration, a military landing party blew up the key bridge at Manatai, in central Bougainville. This action, which drew no remonstrance from abroad, effectively cut the road linking the main port and town of Bougainville to the large populations in the north, thus depriving them of the medical supplies coming into port in limited amounts.

At the same time, 300 soldiers advanced the PNG Defence Force line of control beyond Buka, in northern Bougainville, by taking the major coconut plantations at Soraken and Bonis.

As has happened before, these adventures occurred while Prime Minister Namaliu was out of the country. On his return from China he retroactively sanctioned these renewed assertions of military power. Observers in Port Moresby suggest he had little option, so close to a parliamentary session and another test of his majority. The capture of a foothold on the main island had long been planned, as the first step in Operation Bung Wan Taim (union). However, further implementation is on hold, pending the outcome of parliamentary numbers counting.

Bougainvillean readiness to continue dealing with PNG has not been impaired. In early May, Provincial Affairs Minister FR John Momis was able to announce in some detail his negotiations with traditional chiefs and BRA commanders, all pledging their support for implementing the peace agreement signed in Honiara. In the past few months, doubt as to the readiness of the BRA to abide by the Honiara Declaration has been the main reason given in Port Moresby and Canberra to do little to implement the Declaration. Now there is to be a fresh round of negotiations in July, which may start dealing with the primary issue, the status of the island in relation to PNG.

The landing of the troops was justified on the grounds that it was requested by the traditional chiefs of the area. No evidence of such a desire was presented , and a fortnight later, Fr Momis pointedly produced a petition signed by people in the same area, saying they feared a return of the PNG Defence Force.

The same justification was given for the military seizure of Buka in September 1990, only a month after PNG and Bougainvilleans had negotiated the Endeavour Accord aboard a New Zealand warship. It has become a feature of PNG politics that, on all sides, military or political action is justified by referring to traditional chiefs, although PNG's democratic constitution accords no status to the traditional role of chiefs or village big men.

Those who have been accorded official standing did denounce the military landing. Fr Momis, the PNG minister in charge of implementation of the Honiara Declaration declared it illegal. Patrick Itta, a senior member of the Task Force established by the Honiara Declaration to actually arrange the delivery of services to Bougainville, issued a public statement accusing the PNG government of breaching the Honiara Declaration.

PNG's chronic vacillation, between negotiation and further military operations, is now endemic. In effect, a twin track policy is in effect, pursuing both negotiation and military control, each undermining the effectiveness of the other.

The result is an everpresent danger of chronic civil war, which neither side could win or lose. The losers would be the civilians in the middle.

Bougainville Information Service distributes this regular comprehensive coverage of Bougainville to 800 governments, aid agencies, churches, human rights organizations, ecology groups, researchers and individuals around the world. BIS is supported by churches, aid agencies and philantropic foundations. Your support is welcome. BIS has functioned since May 1990, and its first annual report is available on request.

BIS does not support secession, or any other solution, other than to ask that solutions be in the hands of the peoples affected. BIS is open to the views of all Bougainvilleans, and welcomes contributions.

Source: Bougainville Information Service; Pacific News Bulletin ❑

INDIGENOUS WOMEN ON THE MOVE

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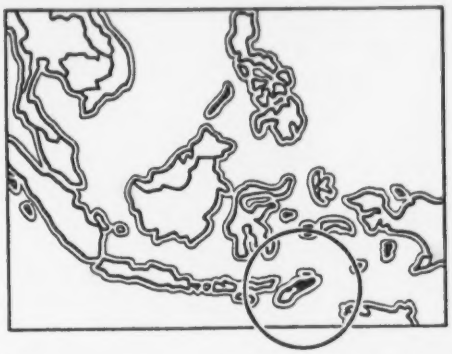
East Timor:

Back in The News again



East Timor, South East Asia

After 16 long years, the spotlight is back on East Timor once again. UN Secretary General Mr. Perez de Cuellar, recently announced that the UN still stands by the resolution No 1515, passed by the UN Security Council in 1975. The resolution calls, "on all states to respect the territorial integrity of East Timor as well as the inalienable right of its people for self-determination". According to Mr. Van Gizel, who met the UN Secretary General recently, Mr. de Cuellar will devote much of his time in the coming months to East Timor.

Mr. Gizel led an international delegation of parliamentarians and submitted a memorandum demanding that the UN sit down at the negotiating table with Indonesia and the resistance leaders to resolve the issue of East Timor.

The Kuwait Factor

The current interest of the UN on East Timor is reportedly due to the role the UN (was forced) played during the recent crisis in Kuwait. East Timor's annexation by Indonesia in 1975 is "a carbon copy of the Kuwait case." The UN has so far maintained a low profile on the issue. In 1982, the UN general Assembly voted 50 votes to 46 to ask the Secretary General to, "initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem".

The other lesser known fact is that of oil in the Timor Sea. In December, 1989, (in violation of international laws) Australia signed a treaty (The Timor Gap Treaty) with Indonesia for the joint exploration of oil and gas deposits in the 60,000 square miles of sea bed stretch of sea between Australia and East Timor. It is estimated that the area contains one of the world's largest deposits of oil.

Australia has been conscious of the huge oil reserves off East Timor for quite some time now and had initiated talks with the Portoguese government in 1972. In 1976 Australia began negotiations with Indonesia to establish the sea boundary and two years later Australia gave 'de jure' recognition to Indonesia's invasion of East Timor, as the prelimenary to finalising the sea bed accord for exploiting the off-shore oil. The Timor Gap Treaty violates international law as Portugal is technically the administrative power in the eyes of the United Nations.

The Portuguese Ambassador in Canberra said that his government has asked the International Court to accept "the rights of the East Timorese people to self-determination, the integrity and unity of its territory ... and its permanent sovereignty over natural resources and wealth". The Ambassador also announced Portugals right to take action against Australia as the administrative power of the territory.

Popular Resistance in East Timor

Apart from oil and that UN officially stands by the demands of the East Timorese for independence, the fact that popular resistance within the island continues to spread, despite the relentless army operations in the last 15 years to crush resistance also contributes to the mounting pressure on the UN to intervene in the issue.

East Timor became independent on 28 November, 1975 after a brief civil war following the withdrawal of Portugal as the colonial power. A government led by the Revolutionary Front for an Independent East Timor (FRETLIN) came to power, but soon Indonesia invaded and occupied East Timor. For the last 16 years since the invasion of East Timor in December, 1975, East Timor is a province of Indonesia occupied and ruled by the military.

In the resistance struggle against this forced occupation, the army has launched a series of assaults that have resulted in the death of more than 200,000 Timorese people. An Annihilation Campaign from September 1977 to March 1979 killing thousands of innocent people, destroying Maubere agricultural systems and causing widespread food shortages, acute famine and disease. In 1986 an operation called 'Operas Kikis' (Operation Extinction) was launched. The main objective of this operation was to carry out reprisals on innocent civilians following attacks by resistance forces. Indonesian territorial army has a presence of 10,000 to 15,000 in the area, but during operations like in 1988, the strenght increases to as many as 25,000 combat troops to carry out uninterrupted operations. Since March 1990, the presence of army is reported to be nearly 40,000 Indonesian troops and 6000 local conscripts.

This combined with the transmigration programme which proposes to shift five million Javanese people to settle in the island, virtually means the annihilation of the Maubere people and their culture. In the words of the General Benny Murdani, the Indonesian Minister for Defense, "There is no such thing as a Timorese Patriot, there is only an Indonesian patriot. There is no such thing as an East Timorese nation, there is only an Indonesian nation."

The resistance movement led by the Revolutionary Front for an Independent East Timor (FRETLIN) is still alive. In the last few years the resistance which was

East Timorese village at the foot at a wooded hillside. Photo: Elaine Briere

confined to the mountains has surfaced again in the towns as well.

Last year young people took advantage of an open air mass in Dili to voice their rejection of Indonesian rule. Slogans like 'Long Live East Timor and Long Live Xanana' were raised openly. Reporters present at the site say that more than five thousand people participated in these protests.

Early last year students took advantage of a visit by the UN Ambassador to demonstrate openly and appeal for independence. Such activities, which were rare occurrences in the past shows that people are willing to risk police detention and torture to voice their anger. This goes a long way in indicating the ground swell of popular feelings against the annexation by Indonesia.

Even in the mountains important changes have taken place within the FRETLIN. In 1981, at its first Congress FRETLIN declared itself as a Marxist-Leninist Party, but in the second Congress this was reversed and favoring the FRETLIN as a broad-based mass front and finally in 1986 led to the convergence of FRETLIN and the more conservative 'Uniao Democratice Timorense (UDT)'. In addition 'Mauberism', became the official philosophy of the FRETLIN which was adopted as a part of its programme on education, health and self-defense. In 1989, the National Council for Maubere Resistance (CRNN) was formed with broad national membership and the FALINTIL was transformed into a national army.

Xanana Gusmao, one of the most enduring resistance leaders of the East Timorese resistance, has been active for the last 16 years in the liberation struggle, since he joined FRETLIN in 1964. He is one of the two surviving members of the old central committee and has single handedly charted the course of the struggle for the last few years from his mountain hide-out.

In a recent interview, (by an Australian journalist who was smuggled into the mountains to meet with Xanana) he appealed to the Indonesian President Suharto, "to initiate a cease-fire and talk about settlement without preconditions under the UN auspices". He conceded that his forces were out-gunned and outnumbered by the government forces and that a military victory is out of the question, but appeared to be keen on opening up new fronts by promoting political struggle away from the interior.

But in the final analysis, it is oil off the Timor coast that seems to be the crucial factor in the emerging political scenario in East Timor. According to Noam Chomsky the background to the tragedy of East Timor lies in the post war planning of the world economy by the USA. In 1975, it was resolved in such a way as to enable the region to fulfill its major function as a source of raw materials and a market for Japan and Western Europe. Much more than the issue of physical, cultural and moral extermination of small peoples, and their right to self-determination, the politics of vital resources like oil will play their role in the future of East Timor.

Sources: Reports appearing in PNB and Tapol. ❑

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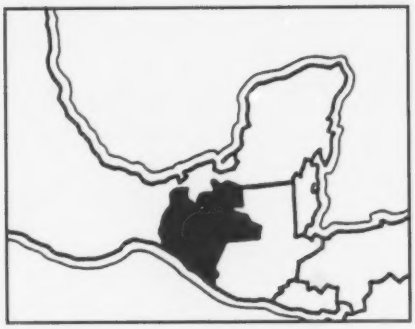
Indigenous Expulsions in the Highlands of Chiapas

By Oliver Tickell



Chiapas, Mexico

It is Christmas day in Mitontic, an Indian village in the highlands of Chiapas, Mexico. No mass is celebrated, as only one practising catholic is allowed in the church at a time. But this year, another festivity has been arranged. Nine women from the outlying parishes of Alamul and Canaluntic are led out into the main square, where they are forced to kneel down and raise their huipils, embroidered blouses, to bare their backs.

A man violently beats the womens' naked backs with a 3ft long leather whip made from a bull's penis, slit into seperate strands woven with wire. Another man takes over while the first, exhausted, kicks a woman who called out for mercy. There is no one to help the women – their husbands are away working in the coffee plantations of the Sierra Madre Sur or the sugar estates of the tropical lowlands, and two of the women are widows. Next, two men are kicked and beaten all over their bodies. Then their heads are shaved.

The final step is one that has been repeated many times in the highlands of Chiapas. The eleven people and their children are run out of town, followed by a violent rabble. Their homes, fields, supplies of food, belongings and livestock are all abandoned; but they feel lucky to escape with their lives. They know of two men, Vincente Mendez Mendez and Augustin Velasco Hernandez, who disappeared – or, to use the chilling Latin American phrase, were disappeared -after imprisonment in the municipal jail 1988 and 1989.

In search of justice the victims of this violent and humiliating attack go to Armando Montoya Cameras, the Director of the Coordination of Indigenous Affairs (CAI) in San Cristobal. This is the official state government body responsible for the 67 indigenous municipalities of Chiapas. Cameras sends them to the agent of the justice department attached to CAI, who is too busy to see them. Could they come back the week after next?

Chiapas, an area roughly the size of Costa Rica, is a geopolitical anomaly. During the colonial era it was part of the province of Guatemala, but was taken over by Mexico following independence. Although still part of Mexico – the poorest and least developed part – it remains an extension of Guatemala. The geography, climate and people form a continuum that the frontier does little to disguise. And the similarity goes further: the exploitative economic structures, the poverty, the violence and human rights abuses of its southern neighbour also find a home in Chiapas, Mexico's own little Central America.

There was no gold in Chiapas to excite the Spanish conquistadors. The riches of the region lay in the land and in the Indian labour required to work it, something which remains largely true today. The appalling exploitation of the early years was denounced to the Spanish Crown by Fray Bartolome de las Casas, but with little immediate result. Yet de las Casas is fondly remembered in the name of the city at the centre of the Chiapas highlands, San Cristobal de las Casas. He is also commemorated in the Bartolome de las Casas Centre for Human Rights, which runs a small office in the Bishopric of San Cristobal.

Martin de la Cruz Lopez Mova, who works at the centre, estimates the number of expelled at 15,000 since the problem started in 1974. Apparently, the expulsions are carried out for Religious reasons – evangelical Indians are a popular target. But as he explained, "although the pretext for expulsion is usually a change of religion or the refusal of a religious cargo, the real reasons have far more to do with money and politics".

The expulsions began in Chamula, a municipality just outside San Cristobal, with clearly political motives. In 1973, the official candidate – that of the PRI, the Party of Institutional Revolution, which has had an unbroken run of power in Mexico for over 70 years – met with a resounding defeat in Chamula's municipal elections. In the election, which took place by acclamation rather than ballot, PAN (Partida de Acción Nacional) candidate Domingo Diaz Lopez won by an estimated 3000 votes to 900.

According to a witness of the event, "One of the CAI's jobs is to make sure the indigenous vote stays with the PRI. So they sent in two strong men, Pablo

Ramirez and Angel Robles, to install the PRI candidate, Augustin Lopez Hernandez. Robles, supported by state police, was threatening anyone who objected with a pistol".

"Then five busses full of students from Tuxtla (the state capital) arrived to install the winner, and occupied the municipal buildings; but Robles and the police kicked them out. The priest escaped in his pickup truck with Lopez in the back. Both the rear tyres were hit by bullets, but the priest just carried on driving and managed to get away".

"The expulsions began in November 1974, Hernandez ordered everyone in Chamula to come to San Juan, saying that a conspiracy of evangelicals and PAN supporters wanted to burn down the church of San Juan and take over the government. That day, 2,000 people were expelled from 72 parishes, and 250 or 300 people were put in jail for 3 days, in indescribable conditions. They were packed in together with room only to stand up, without toilets, and many of them had been wounded by guards and soldiers. Afterwards, they had to find new places to live. Some of the expulsees were evangelicals, but mostly they were political opponents; others were just people the caciques (local bosses) had a grudge against."

The effectiveness of 14 years of expulsions in controlling political dissent may be seen in the elections of 7 July 1988. Out of a registered electorate of 13,050. 12,315 voted in a 94% turnout - even though the road to Chamula was blocked by rocks and municipal police threatening anyone who tried to enter with instant arrest. Even more extraordinary was the result: every single vote had been cast for PRI, at each of the four levels of government under contest.

The election had followed unseemly wrangles between the Chamula authorities and the State Governor, who had been pressuring them to stop the expulsions. In a letter to the Governor, printed in the San Cristobal newspaper El Tiempo, the Chamula president Mariano Lopez Lopez stated, "if the government does not help us in this matter and suspend all accusations regarding the expulsions, no votes will be cast in Chamula". All proceedings were dropped.

Many expulsions are still overtly political, for example in Zinacantan, where the Party of Democratic Revolution (PRD) has established a small power base. The authorities take the view that all PRD supporters are evangelicals bent on the destruction of their way of life. One of their victims, PRD leader Mariano Perez Perez was forced to leave after accusations of evangelism and a campaign of harassment in which his water was cut off and the path to his home repeatedly blocked. More recently a PRD meeting was broken up at gunpoint for being evangelical, and the leaders were jailed.

Protestant evangelism, which has been winning thousands of converts in Chiapas, is a real threat to Indian culture. But it is significant that evangelism made little impact in Chamula until after the 1973 election. Abstention from alcohol became a means of protest and a way of getting back at the caciques, who controlled the highly profitable trade in posh, a crude form of destilled cane alcohol. The evangelical churches successfully identified themselves with the abstention movement and provided an ideology to accompany it.

The copious use of alcohol is a fundamental part of the traditional Chamula way of life, or so at any rate the caciques maintain. According to Chamula President Santos Jimenez, "the people do not want any restriction on the sale of posh, because this would undermine our traditions". In fact, the real traditional drink of the Chiapas highlands is the now unobtainable chicha, a nutritious, yeasty broth brewed from maize. But the use of posh is cumpulsory in most religious rituals, and at fiesta time consumption is prodigious with hundreds of people stumbling around drunk for days on end.

The posh trade generates sizable incomes for the caciques who dominate it, and who exploit the debts acquired by drinking for further profit. The other side of the coin is the alchoholism, domestic violence, malnutrition, landlessness, forced labour and chronic underdevelopment that afflicts most indigenous communities.

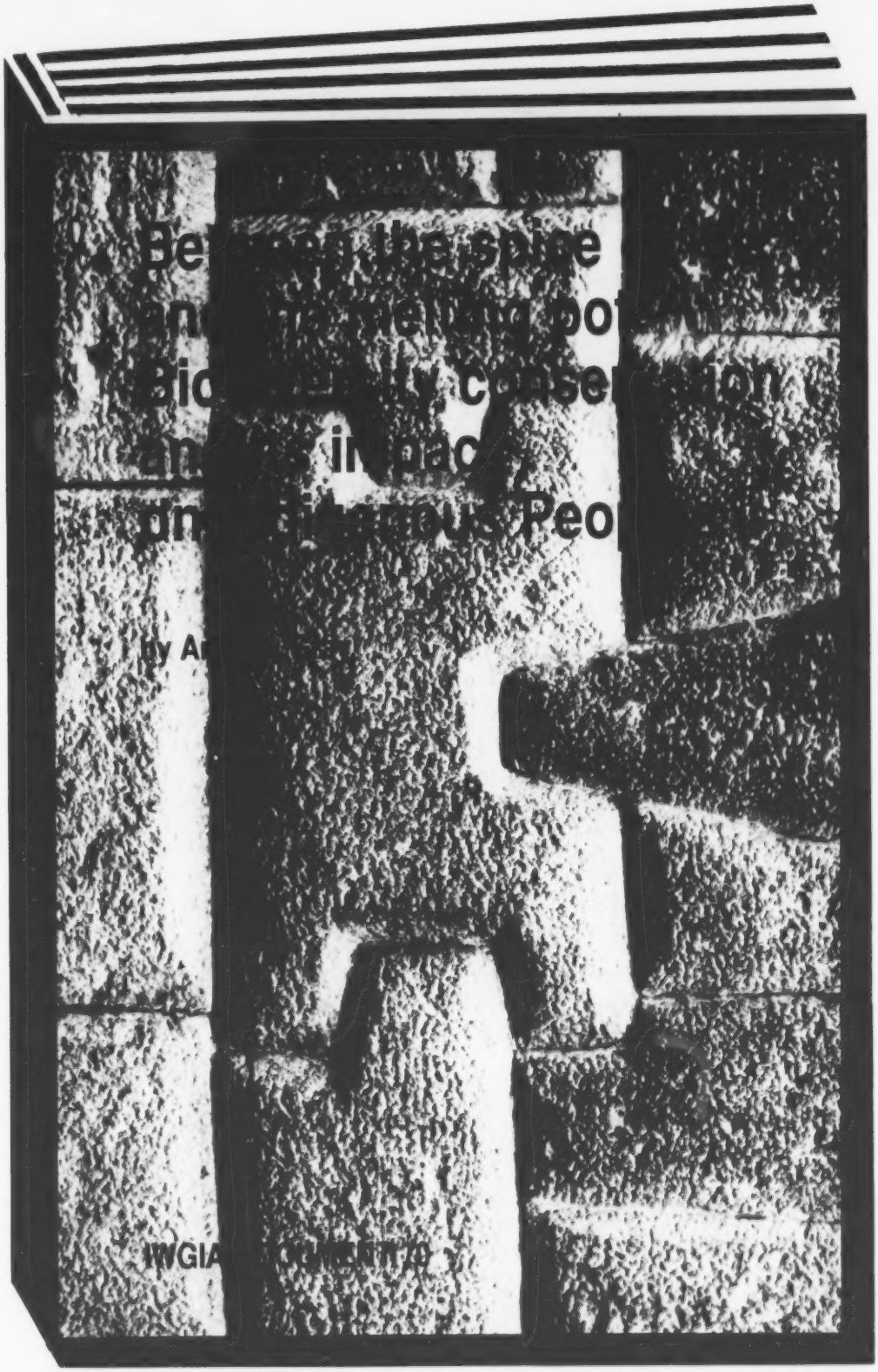
Many evangelicals are certain that their opposition to alcohol is the most important reason that the caciques do not tolerate them. "If we don't drink", one man explained, "other people see that we are happier and better off. We want to spend our money on our families and communities, but the caciques want it all for themselves".

Or as an expelled Presbyterian told me, "when we believe in the word of God we do not drink. They won't tolerate this - they say it destroys their traditions. If you fall ill, the healers in the church demand candles, 3 or 4 chickens to heal you, and posh, beer, and money as well. Sometimes they might cure you, but rarely. Mostly they don't cure you at all. But the authorities, the caciques, sell all these things and hold a monopoly. Once you have heard the word of God, you don't buy them any more, so they expel you".

Catholics often fare little better than evangelical christians. While most of the expelled are accused of "failure to profess the catholic religion", others are expelled precisely for professing the catholic religion. The 11 people beaten in Mitontic on Christmas day are a case in point., although catholicism is the official religion there. As a padre explained to me, "our work in the diocese is to open people's eyes to the exploitation they are suffering, and give them control over their own destiny – the last thing the caciques want. It makes the catholic church in San Cristobal highly political; this is why it is suffering so much repression."

Chamula is a religious oddity. Following the unfulfilled demands of catholic bishop Samuel Ruiz Garcia that the Chamulas stop the expulsions, the priest was recalled from Chamula in 1987, leaving no one to perform vital rituals and sacraments. The Chamulas resolved the crisis by finding an alternative priest, Augustin Garcia, the self-styled "orthodox" bishop of Chiapas. The Greek Orthodox Church of Mexico City claims no knowledge of Garcia – himself an victim of expulsion – from a catholic seminary school. But he was good enough for the Chamulas, who officially converted to his Church.

This was the ideal solution: Garcia came once a month to perform rituals, without subjecting his audience to unwelcome moralizing sermons, and without interfering in their rather peculiar religious practices. But things are less rosy for the true catholics, like 60 year old Manuel Ruiz Collazo from Chilinjoveltic in the eastern part of Chamula. "I am a traditional catholic," he told me, "once I even took on a religious cargo, as Martoma for the fiesta of the Virgin of Guadelupe. But now there is no mass at San Juan, and they do not teach the word of God. Also, it is a long



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way to go, over an hour by car, and expensive. So why should I go there? I go to church nearby at Las Piedrecitas or at La Caridad in San Cristobal."

"They came to my house at 3 am on 27 November and took me to the municipal building at San Juan Chamula. I was taken before the President, who made me drink two cups of posh to show I was not evangelical. He accused me of reading the Bible, and said, 'you will be expelled, like everyone who professes religion'. Then I was jailed for three days, with my family."

"They gave us until 15 January to leave saying that if we had not gone, they would destroy our house. But I have lived here all my life. I'm not going to leave - there is no other land or house to go to. And why should we? What crime have I committed, am I a murderer or a thief? My only crime is that I have heard the word of God. And what of my family, my wife, sons and daughters – it is their house too. So we shall stay here."

The expulsion order was in clear breach of the law and Constitution. The State Governor, Patrocinio Garrido. had announced on 23 October that no more expulsions would be tolerated. And the CAI Director had said on 14 August that "the government will not permit any more expulsions for whatever reason. We will not continue with dialogue and reconciliation, but if the expulsors persist the competent authorities will apply the full force of law". I went to the CAI offices in San Cristobal to find out what action they proposed taking about Colazzo and his family.

The slightly nervous Enrique Manzur of CAI's Defensoria de Etnias explained to me, "the government of Chiapas does not permit expulsions: the process of expulsion is illegal. In the case of expulsion our job is to conciliate so that their return is permitted... No, there is no maximum time for this conciliation to take effect. It make take a few days, or it could be more".

"About the case of 27 Dec. in Chamula, we must pursue the process of conciliation to see the truth of the matter. If the paper is as you describe, citing religious reasons for expulsion, it is completely illegal. If the expulsion proceeds with municipal police this is a crime and a legal process will take place...No, there is no question that the state police will protect anyone. Before this, the case must be investigated. Before the state can act the case must be legally proven. If the case is proved, it is up to the Department of Justice to follow up and assess the damages and remedies."

"No, we don't know how many people have been expelled – there are no official data... And no, we have kept no figures of the number of expulsees returning after conciliation: it is difficult to approximate as we have no official data. But I think the cases are very few".

Later, another man joined us: "It is a question of human rights", he said. "We will use the full force of the law to resolve this problem. We have nothing to hide. We are pleased that people are interested in these things. My name? Never mind my name. We are all together here in CAI".

According to Martin de la Cruz Lopez Moya of the Centre for Human Rights, "the state authorities have shown themselves unable to stop the problem or even reduce it. In spite of the Governor's assertions that the problem has been overcome, the conflict continues to sharpen".

Even given political will in government, religious or political expulsions can be disguised. For example the allocation of religious cargos, offices involving the financial, organizational and spiritual responsibility for a particular saint's fiesta, is one of the caciques' ways of maintaining control. Anyone challenging the caciques economically will be given one cargo after another until they are bankrupted, as happened to one Chamula who tried to set up his own trucking concern in competition with that of the caciques.

Juan Gomez Castellanos, leader of the community of expulsees at Betania explained, "If they think you have accepted the word of God, rather than expelling you they might give you a cargo for a big fiesta, which means spending up to M$ 6 million (L1.000 with typical daily wages L1 per day). But we just don't have that kind of money. The only way to pay is to spend ten or twenty years working on a finca, (one of the huge plantations that dominate the Chiapas economy) for between M$37K and M$45K a month. And all this time to escape from this debt. For many people getting a cargo is the same as being expelled. only the caciques can call it voluntary".

Or as another man told me, "In Chamula, in November 1989, an evangelical was ordered to build a primary school using his own money. He was expelled for his failure to carry out an obligation to the community. Another common trick is to plant marijuana on evangelical leaders, then call the police. Three evangelicals are in Cerro Hueco jail in Tuxtla for this reason".

The roots of the power of the caciques in the indigenous municipalities of Chiapas dates back to the 1930's and the indigenist policies of President Lazaro Cardenas. As a way of promoting development in Chamula, he trained a group of young Chamulas in the Spanish language and basic administrative skills. They became "promotores", agents of reform and development, and the official link between their communities and the state and federal governments. In 1938 the government announced that it would only deal with bilingual Municipal Presidents, strenghtening further the promotores' hand.

The promotores gradually came to dominate Chamula's administration, and developed numerous commercial oppportunities. It was not long before people like Salvador Lopez Castellanos, now in his eighties, came to hold a monopoly on transport, alcohol and soft drinks, and lend out their surplus money at interest rates of 10% a month. But their remained another level of authority with which they had yet to come to terms.

The traditional way to prestige and authority in Chamula and other Indian communities is through the performance of religious cargos. Consequently, the newcomers were seen to have usurped their positions and aroused resentment among the traditional elders. But this conflict was resolved when the promotores themselves began to take on religious cargos, using profits from their business activities. As the elders died, they replaced them, and came to dominate both official and traditional authority. By the mid-1950's, the process was complete. A new generation of government-trained bilingual caciques had a firm grip on power in Chamula, and beyond.

For example, they established and controlled the Union of Peasant Workers (UPW), which replaced the old system of "enganche", whereby Indians from the highlands were recruited by means of force, debt and trickery to work on the fincas. The UPW, which gained 25.000 members between 1937 and 1940, brought

about immediate improvements in work conditions, but soon became a new system of enganche, and a very profitable one for its bosses. All indian labour from the highlands was recruited through the UPW, not only for farms but also for work on the road building and other developments schemes in the highlands. The UPW is known as the union that hasn't bargained for its members' pay or conditions for fifty years.

The policy of imposing trained bilinguals was extended in the 1960's to other indigenous municipalities. The Instituto National Indigenista (INI) had a policy of placing ladino (non-indian) teachers in schools, but they were resisted by the population, frustrating INI's long term objective of creating a single Mexican culture. So they began to train bilingual teachers from the communities. One man told me, "These teachers, trained by the government to have a very different mentality to ordinary people, have taken enormous power and set themselves up as caciques. The use the rallying cry of tradition to maintain their control, like in Mitontic, where the President and other officials are local headmasters."

The religion of Chiapas' Indians bears little resemblance to our version of christianity. The church of San Juan Chamula, the spiritual centre of the Chamula people, is dark and resonant with the murmurings of prayers and incantations, the air thick with incense smoke. Open to tourists for a small fee, it provides a fascinating opportunity to witness rituals of healing and propitiation, performed by the many curanderos – traditional healers – that work there.

Bottles of posh and Pepsi Cola (the Chamula caciques lost the Coca Cola franchise in the 1970's), used as sentimental offerings, litter the pineneedle strewn floor, and hundreds of candles are arranged around the healers and before the shrines of saints along the walls. Even when seen close up, the scene is curiously inscrutable, a convincing reminder of the otherness of the Indian universe.

The religion of the Chamulas and other Chiapan Indians, centred around the veneration of saints, fiestas held in their honour, and ancient healing practices, is of vital importance to them. As researcher Robert Wasserstrom put it. "Indian religion is a complex of symbols, customs, practices and traditions which define their relationship with God, nature and the universe. It supports a historical experience and a daily reality which distinguishes the Indian and defines a unique ethnic identity". But as he adds, "these same symbols can serve as instruments of oppression, as in Chamula".

It is easy to see how religious interference from outsiders leads to defensive reactions. Many evangelicals have scant respect for the Indians' religions. "Their traditional worship of saints are really just a form of paganism in which God and Jesus do not figure", one missionary told me. "It is associated with poverty, misery, drunkeness and ignorance, and often witchcraft. Once they break out of it and learn a true faith they have no desire to go back to it".

The catholic church has a very different approach to its work in the Indian communities. "There is an effort in the diocese to revive the positive aspects of indigenous culture and revalue that culture", the padre explained. "The evangelicals confront traditional religion head on. preaching against idolatry, and undermining the Indians' view of the universe. But our task is first to learn from the Indians, to find out about their beliefs and practices, and to seek out what is positive and emphasize those positive values. For example, this means showing how the saints they venerate embody Christian virtues and provide a model for our own lives, and recognizing the value of their fiestas as a celebration of life in abundance in every aspect, not just spiritual".

In the evangelical communities I visited the people seemed to be delighted to be free of the burden of tradition and obligation – if oppressed by their acute poverty. Yet they spoke Tzotzil, wore traditional clothes, ate beans and tortillas, and remained to all appearances Chamulas, or Zinacantecs, true to their origins. Regardless of the motives of the original missionaries, the converted Indians have now adopted the evangelical religions as their own. As the padre told me, "we can no longer maintain that the Indians of Chiapas are of a single faith. There are thousands who want to step outside the strictures of customs and traditions, and this is a choice they should be free to make".

The importance of religious customs and traditions – and the fiestas in particular – is most marked in the poorest communities. In Chamula an estimated 30-40% of men have to work outside on the fincas for long periods; in Mitontic, one of the poorest municipalities, it may reach 80-90%. For them the affirmation of identity through religion and fiestas is a necessary antidote to the dehumanizing conditions on the fincas. One man told me, "people are earning $2 a day for working from dawn till dusk, with just two plates of beans and tortillas to eat. The cattle sheds are in better condition than those for people. One worker I met had been there for 24 years to pay off his debt".

But ironically the observance for these traditions is often precisely what makes life in their communities economically untenable. The huge cost, not only of cargos, but of regular religious observances and the cumpolsory consumption of alcohol, is a permanent drain on resources. Debts so acquired, accumulating at 10% a month, force them into selling their land – to the caciques of course – and working for long periods on the fincas. All this nicely serves the economic interest of the caciques, of the ladino merchants of San Cristobal, and of the finca owners, who are supplied with cheap Indian labour on their coffee and sugar plantations. Small wonder that the government allows the expulsions that maintain this system to continue, all the more so while it yields its reliable harvest of PRI votes at every election.

"The social structure remains cast in a 16th C model with Indians and ladinos firmly differentiated", Rene Bustamente Villanueva wrote in 1977. "Indians often own just enough land for a living space, ensuring they must labour elsewhere... San Cristobal is a parasitic city, living off the labour of Indians and exploitative commercial interactions". His words are just as apt today. In Guatemala, El Salvador and Honduras, similar social and economic structures are maintained by death squads, military force and occasional massacres, which rightly meet with worldwide condemnation. In Chiapas, the indigenous leaders themselves are implicated, enforcing and profiting from the oppression and exploitation of their own people.

With Mexico's new President Salinas de Gortari there is a mood of reform in the PRI and in the country. The centre for

Human Rights in San Cristobal has denounced the expulsions to the President and to the National Commission for Human Rights; their reaction will show whether or not the PRI's stated desire to reform is any more than a public relations exercise. But meanwhile, the spotlight of international scrutiny can only benefit actual and potential victims.

Expulsions in Chiapas- Notes

The sequence- from 1988

10 Sept, Chamula: Chamula authorities announce decision within 8 days on the 23 expelled families, but make it clear that "They can only return if they change their religion".

10 Sept; 3 families expelled and 32 left "Voluntarily" from Tzequentic, Zinacantan, folowing the screening of an evangelical film in a private house in Granadilla on 8 Sept. All are jailed for 3 days. Owners of film and projector have to pay $250K for return of equipment, all present fined $50K, as well as other suspected evangelicals not present. Granadillans pay up and remain, and agree to accept all religious cargos, while those from Tzequentic leave. Fine approved by CAI.

The 3 expelled families are accused of "Not living in the comunity" despite receipts from "ejido" 32 "voluntaries" unable to live in peace, in constant fear of raids and harassment.

Meeting held from 7–10 pm; minutes before end, house broken into and 4 people violently arrested; another 40 arrested during the night. One home, also a shop, looted of soft drinks and beer. Mayor says, "detained for failing to obtain permission from the authorities to hold a religious meeting".

2 October: Open warfare breaks out between PRD and PRI in Zinacantan, after PRD meeting threatened in Tzequentic. Municipal agent threatens PRD man with pistol, PRD supporter jailed.

11 October: 88 families expelled from Mitontic plead for intervention of CAI.

14 October: Domingo Lopez Angel (DLA) of Consejo de Representantes Indigenas de los Altos de Chiapas (CRIACH) denounces expulsion of 6 men, 5 women, 2 children, from Yaaltem, given till 20 October.

18 October: A further 5 women jailed in the school one day and given 3 days to leave. 3 appeared in San Crisobal, but 2 old women disappeared. Of the 3, 2 separated from husbands, still in Yaaltem.

20 October: Yaaltem, Chamula: 18 evangelicals expelled by rural authorities. This followed imprisonment of 13 people on 7 Oct for 9 hours in the school. After release, the women were bothered by a group of men led by cacique Domingo Lopez Perez. Three women had been violated, and one managed to escape her agressors.

23 October: State Governor announces: "we will tolerate no more expulsions". Same day, Tzequentic authorities refuse the expelled of 10 Sept permission to return, by upholding $50K fine and other unreasonable conditions. Consejo Indigena upholds right of expulsees to claim belongings and harvest crops, only.

24 October: Mitontic: Man arrested for murder committed in 1971, of woman with whom he had been drinking posh, within weeks of converting to an evangelical religion.

1 Nov: 11 Chamula families expelled for professing Catholicism as opposed to Orthodox, jailed for 2 days. Going to church in San Andres Larrainzar, true Catholic church.

23 Nov: Chamula man arrested for growing marijuana.

4 Dec: AM launches project to translate the human rights provisions of the Constitution into 9 indigenous languages. Jose Perez says, "Government has been evasive in attending to the problems of expulsions in Chiapas".

On 5 January the expelled issued a statement calling on the state government and the Justice Dept. to take energetic measures against those responsible, named as Jorge Lopez Diaz, Victorio Rodriguez,the Municipal Judge, Juan Mendez Velasco, and the Mayor, Domingo Perez Lopez, and charge them with crimes of violence. The statement read on, "If the CIA does not give us justice, nor the state authorities in Tuxtla, we will then decide what measures to take to return to our lands without fear of being lynched as we nearly were on Christmas day.

On the 28th they arrived at CAI and saw AMC, who sent them to see a doctor. The agent of the Justice Dept. (Ministerio Publico) explained to them that he was very busy – could they return on 7th January?

25 Dec, Chalam, Mitontic: Comisionados arrived at 6am to arrest 9 women and 2 men from Alamul and Canalumtic, and took them to the school saying, "we don't want any catholics or protestants around here". They were jailed in the school for four hours with 23 children. The women were all without the protection of their husbands: 2 of them were widows, and the others' husbands were away working on fincas. They were all then taken to San Miguel Mitontic and kept incarcerated all day long.

Another 5 Presbyterians were arrested in Chib Uc'um, who had earlier returned following their expulsions in 1989. Kept jailed in Canalumtic with Catholics.

At 6 pm they were presented before a "court" of the village authorities and some of the people, which declared them "guilty". The women were forced to kneel down and raise their huipils, baring their backs, and were then beaten violently on the back by several men with a 3 ft long slit and wired leather whip made from a bull's penis. Some were kicked. The men were also beaten, and had their heads shaved. Late at night they were run out of town leaving all their goods behind. Some fled to Tenejapa others to San Cristobal.

27 Dec: Chilimjovecticc, Chamula: Manuel Ruiz Collaro and household of seven jailed for 3 days and 2 nights for being Catholic. Seen to go to church at local catholic church of Las Piedrecitas, and found reading bible.

15 jan: Deadline expires for Manuel Ruiz Collazo and other Chimiljoveltic expulsees. They remain but no action taken.

ARCTIC ENVIRONMENT

INDIGENOUS PERSPECTIVES

IWGIA document no. 69, US$ 7.50

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The Fray Bartolome de las Casas Centro de Derechos Humanos is at 5 de Febrero No. 6, 29200 San Cristobal de las Casas, Chiapas, Mexico. They are working not only for the rights of the Indian expulsees, but for the many other victims of human rights abuses throughout the state of Chiapas. ❑

IWGIA Documents on North America

14. Native people in areas of International Expansion: Indians and Inuit in Canada , 1972	$ 2.50
62. Critical Issues in Native North America Vol. 1 , 1989	$ 11.60
63. Indigenous Self-development in the Americas , 1989	$ 10.00
68. Critical Issues in Native North America Vol. 2 , 1991	$ 11.60

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The Association of Small Peoples of the Northern Soviet Union: Convention of the 26

Map of USSR

ASSR: Autonomous Socialist Soviet Republic
AA: Autonomous Area

Introduction

In March, 1990, the Association of 26 Small Peoples of the Soviet North was founded in Moscow (see IWGIA Document 67,1990: Indigenous People of the Soviet North). This was the first step taken by representatives of Soviet Arctic and Subarctic ethnic minorities to establish a forum, where urgent issues of the difficult position of the Northern Soviet indigenous peoples, preservation of their culture and language, identity and tradition could be discussed and measures agreed upon to improve economic and social conditions.

An attempt to further the political realisation of the efforts of the Association was the passing of a "Convention of the 26 Small Peoples of the Soviet North", defining generally the political aims of the ethnic groups involved. This happened in October 1990, and the political document was later put before the governments of the USSR and Russia for confirmation. IWGIA Newsletter reprint the document in extenso.

The Document

We, the representatives of 26 peoples of the northern Soviet Union, meeting in Council on 16 October 1990 in the city of Yakutsk, declare that our peoples are at the moment on the verge of extinction.

The peoples of the north endured the

hardships of colonial policy and emerged optimistic on the shores of resurgence. But their expectations have been cruelly dashed. Our peoples have come up against the reluctance and inability of the State to deal with their problems. Today they are suffering the tragic consequences of the thoughtless industrial conquest of the areas where they live. Vast areas of the historical habitat of the peoples of the north, from the Kola Peninsula to Chukotka, Kamchatka, Sakhalin and the Amur are the major suppliers of raw materials for the country. The billions of tonnes of oil and cubic metres of gas, the hundreds of millions of cubic metres of timber, the thousands of tonnes of gold and other non-ferrous metals and the vast quantities of diamonds and pelts extracted from the ancestral lands of the peoples of the north have brought them no benefit, but have proved to be a genuine misfortune for them. Moreover, these peoples are being mercilessly driven away from their national livelihoods by the pushy immigrant population; by decision of local party and Soviet organs, they have been moved to industrial towns, ocean ports, regional centres and large settlements where they have been subjected to forced social, political and cultural assimilation. Their cultural and linguistic roots and way of life have been left in ruins. In this way the peoples of the north have become outcasts in their own land.

Unless the processes now in motion are reversed, the peoples of the north are threatened with extinction in the near future. Urgent steps are needed to ensure their survival, preservation in modern society and development in a changing world.

The Council of the Association of 26 Small Peoples of the Northern Soviet Union hereby adopts this convention and invites the Supreme Soviet of RSFSR to:

1. Ratify the Indigenous and Tribal Peoples Convention (Geneva, 1989) adopted by the General Conference of the International Labour Organisation, which calls for the preservation of the individuality, culture, customs and traditions of indigenous peoples, and acknowledgement of their ownership of their land and of the special status of the indigenous population while maintaining full equality of rights with other population groups.

Vladimir Sangi, President of the »Association of the Small Peoples of the Soviet North«. Photo: Jens Dahl

2. Accord the legal status of States to the Association of the Peoples of the north and regional organizations of peoples not yet having national State entities.
3. To pass an act on "the small peoples of the northern USSR" in accordance with the Act of the USSR "on the free national development of citizens of the USSR living outside their national State entities or having no such entities within the USSR."
4. To incorporate into the new constitution of the RSFSR individual articles reflecting the rights and interests of the peoples of the north as follows:
   - State parks and reservations where traditional uses of nature will enjoy priority shall be established in the areas where the peoples of the north have historically lived;
   - the peoples of the north shall be granted exclusive rights of ownership over their ancestral lands and the continental shelf off their shores, including all biological and other resources and minerals; the land shall be made over for the community/clan and individual use of the peoples of the north; clan councils (Soviets) shall be re-established;
   - in order to ensure the representation of all small peoples of the north in Soviets at all levels, there shall be introduced a category of special national electoral constituencies along ethnic lines;
   - to protect the interests of the 26 small peoples of the north at the State level, the areas where these peoples live shall have parliamentary self-government with republican status.
5. To set aside not less than 12 per cent of the annual revenues of enterprises owned and operated by ministries, government departments and other organizations functioning in the far north, areas assimilated thereto, and areas where the peoples of the north have historically lived and carried on their economic activities, in order to build up a fund for the social development of the peoples of the north within the framework of the Association of Small Peoples of the North and regional associations.
6. The Government of the USSR, the Government of RSFSR, the councils of Peoples Deputies, ministries and government departments of the USSR and RSFSR; enterprises and organizations shall establish, within the framework of the Association of Small Peoples of the Northern Soviet Union, an all-Russia fund for the survival of the peoples of the north.
7. Exempt the Association of Small Peoples of the Northern Soviet Union and regional associations of those peoples, and any organizations and enterprises they may establish, from all forms of taxation.

(Signed) V.M. SANGI
for the Council of the Association
President of the Association of Small Peoples of the Northern Soviet Union
19 October 1990 ❑

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The Nuuk Conclusions and Recommendations

- on Indigenous Autonomy and Self-Government

The United Nations Meeting of Experts, meeting at Nuuk, Greenland, 24–28 September 1991, recognizes that indigenous peoples are historically self-governing with their own languages, cultures, laws and traditions.

The Meeting of Experts shares the view that indigenous peoples constitute distinct peoples and societies, with the rights of autonomy, self-government, and self-identification.

The Meeting of Experts recognizes that serious problems faced by indigenous peoples are specific for each country and region of the world and there cannot be a single and uniform solution for them. On this basis the meeting adopts the following conclusions and recommendations to be implemented with due consideration to the specificity of each situation, without detracting from the established minimum standards set out in international instruments on human rights:

I.

1. Self-determination of peoples is a precondition for freedom, justice, and peace both within States and in the international community.

2. Indigenous peoples have the right of self-determination as provided for in the international convenants on human rights and public international law and as a consequence of their continued existence as distinct peoples. This right will be implemented with due consideration to other basic principles of international law. An integral part of this is the inherent and fundamental right of autonomy and self-government.

3. For indigenous peoples, autonomy and self-government are prerequisites for achieving equality, human dignity, freedom from discrimination and the full enjoyment of all human rights.

4. Indigenous territory and the resources it contains are essential to the physical, cultural and spiritual existence of indigenous peoples and to the construction and effective exercise of indigenous autonomy and self-government. This territorial and resource base must be guaranteed to these peoples for their subsistence and the ongoing development or indigenous societies and cultures. Where appropiate the foregoing should not be interpreted as restricting the development of self-government and self-management arrangements not tied to indigenous territory and resources.

5. Autonomy and self-government of indigenous peoples is beneficial to the protection of the natural environment and the maintenance of ecological balance which helps to ensure sustainable development.

6. Self-government, self-administration and self-management of indigenous peoples constitute elements of political autonomy. The realization of this right should not pose a threat to the territorial integrity of the State.

7. Indigenous autonomies and self-governments must, within their jurisdiction, assure the full respect of all human rights and fundamental freedoms and popular participation in the conduct of public affairs.

8. Autonomy and self-government can be built on treaties, constitutional recognition or statutory provisions recognizing indigenous rights. It is further necessary for the treaties, conventions and other constructive arrangements entered into in various historical circumstances to be honoured, in so far as such instruments establish and confirm the institutional and territorial basis for guaranteeing the right of indigenous peoples to autonomy and self-government.

9. Autonomy and self-government are essential for the survival and further development of indigenous peoples and are a basis for international cooperation and bilateral and multilateral legal arrangements.

10. Indigenous peoples have the right to be different, to consider themselves as different and to be considered and respected as such, as recognized in the 1978 Declaration on Race and Racial Prejudice.

11. Within States, autonomy and self-government for indigenous peoples contribute to peaceful and equitable political, cultural, spiritual, social and economic development.

12. Subject to the freely expressed desire of the indigenous peoples concerned, autonomy and self-government include, *inter alia*, jurisdiction over or active and effective participation in decision-making on

the matters concerning their land, resources, environment, development, justice, education, information, communications, culture, religion, health, housing, social welfare, trade, traditional economic systems, including hunting, fishing, herding, trapping, gathering, and other economic and management activities, as well as the right to guaranteed financial arrangements and, where applicable, taxation for financing these functions.

13. Autonomy anf self-government arrangements are to be faithfully respected. They may only be amended by a new agreement between the parties to the original agreement or in accordance with established constitutional or legal procedures.

14. Arrangements should be made for the prevention of potential conflicts of competance. An effective, independent and impartial mechanism for solving disputes between the self-government and the State should be established by constitutional provisions or by law. Equal representation of the self-government in this mechanism should be guaranteed.

15. Where autonomies and self-governments are affected by matters outside their jurisdiction, including actions taken by the regional and local governments of federated states, they should be closely involved in the planning stages of these activities and their consent should be obtained by States before these activities are implemented.

II.

16. The Meeting of Experts recommends that States should undertake, if they have not already done so, regular periodic reviews together with indigenous peoples through their own organizations, of the obstacles to autonomy and self- government and take the measures agreed upon to overcome them and to promote fully significant processes of construction of autonomy or self-government.

17. The Meeting of Experts recommends that where State borders pose obstacles to the free movement, trade and communications among members of indigenous autonomies and self-governments, States must undertake arrangements to eliminate these obstacles.

18. The Meeting of Experts furthermore recommends that States should consider favourably the ratification of international instruments relevant to the situation of indigenous peoples, including the International Convenants on Economic, Social and Cultural Rights and on Civil and Political Rights, and the ILO Convention 169.

19. The Meeting of Experts recommends that States should cooperate by providing the means for training necessary to assist indigenous peoples in the exercise of autonomy and self-government.

20. The Meeting of Experts invites governments to support, by providing adequate resources, the United Nations Centre on Human Rights and the International Labour Office with the publication and distribution of a manual on autonomy and self-government (see Annex).

21. The Meeting of Experts recommends that existing advisory and technical assistance programmes within the United Nations system should be used and enlarged, if need be, to finance training for indigenous peoples and autonomous and self-governmental institutions.

22. The Meeting of Experts recommends that the question of the rights of indigenous peoples and the protection thereof shall be dealt with on a permanent basis within the United Nations. The Meeting recommends to the Commission on Human Rights to consider the possibility of establishing international monitoring mechanism to deal with indigenous peoples.

23. The Meeting of Experts recommends that the conclusions and recommendatios of the Meeting be considered among the themes for inclusion in the 1993 International Year for the World's Indigenous People.

24. The Meeting of Experts requests the Secretary-General to give the widest possible distribution to the report, recommendations and working papers of this Meeting, including the distribution of the report and recommendations to the General Assembly at its 47th session, the Commission on Human Rights at its 48th session, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities at its 44th session, and the Working Group on Indigenous Populations at its 10th session, Governments and competent international, inter-governmental and non-governmental and regional organizations and other international fora; and that the present report, recommendations and working papers be issued as a United Nations publication.

View from Nuuk, Greenland.
Photo: Jens Dahl

Why are the Guaraní Kaiowá killing themselves?

By Georg Grümberg

What has drawn attention to the suicides among the Pai Indians in Paraguay is that there is a greater incidence in those villages where missionary work is being carried out. Out of the 38 Pai villages, suicides are taking place in three-quarters of those which are influenced by the work of the Alemana Pionera Mission for Native Paraguayans in Pytypuku and Piraymi and the New Tribes Mission or Misión de las Nuevas Tribus in the village of Pirary. The chain of suicides in the last eight years among the Pai people of Paraguay are therefore taking place in communities where there is significant social imbalance and where social and religious malaise prevails as a result of the external influence of the activities of evangelical missionary churches and organizations.

The only exception to this occurred in the village of Tajy where seven persons died because of a deep internal crisis- a case of sibling rivalry – the "paje vai" spell was invoked against a leader who was considered harmful and who acted against the wishes of his people...

From Montoya

Montoya, a Peruvian Jesuit priest, who worked with the Guaraní in the 17th century has documented a series of deaths by hanging. It is the only known historical record of the suicides among the Guaraní people. The suicides occur in times of depression which they call "Vy'ae'y". "Vy'a" means "I am happy, I have zest for life" and is an affirmation of life. "Vy'ae" means the absence of the joy of living. This is the depressed state one observes in the potential suicide victims.

It is usually a condition one notices among teenagers and newlyweds, and the "cure" for this depression in an individual is to share joy in ones daily life and collective merriment, through a ritual dance- "el kangui". The kangui has two meanings: literally it is the "chicha", the fermented drink derived from corn and which has a low alcoholic content; it is also a concept, a festive occasion where one enjoys the company of others, drinking, eating, it is the ultimate form of revelry. When one speaks of kangui, these are the two things which are referred to. This partly explains the alcoholism among the Guaraní. The kangui, regarded as a cure for depression, leads one directly to alcohol. Many people who get depressed take "cachaca", unrelated to the kangui as a festivity. It would be mockery of the kangui to take cachaca and to get drunk because in the Guaraní way of thinking, the consumption of alcohol is conceptually linked to this festive social event. That is the explanation of the search for this "cure", alcohol, at those precise times of great pressure.

The act of hanging is almost always the same and follows a certain pattern. It happens at an unexpected moment, with a total lack of drama. They hang themselves in rather small trees because they have to be kneeling and they have to exert a bit of effort to succeed in killing themselves.

For instance, in the case of Eulálio in the village of Tajy. For a long time he had been depressed, but not too seriously so no one was expecting anything. Then one day, just before midday, he said to his wife "I am going to the bushes" (to use the "toilet"). And so it went, he left to go out, not far from the house. He left and did not come back. After a while his wife began to cry. She found her husband twenty metres away from the house, hanging from a tree, kneeling with a rather strong rope around his neck.

So it is not an impulsive decision one makes in an instant. The decision to take ones life is completely clear and deliberate. When asked why so and so committed suicide, the question is not understood. They say "omanose vointe", he wanted to die. That is the only reason and there is no need for explanations.

The death wish is a culturally important fact of life for a Guaraní, it is an option of life, not of death. For a Christian it would be of death because it ends everything. We neither know our after-life destiny, nor whether we are going to heaven or to hell, it is a terrible threat. But for a Pai who identifies himself with his "teko", with his religion, passing on to the other side after death is an act which involves everyone because it depends on the understanding of others. I have already witnessed several deaths of old men and women who, along with their families, have decided to die, everyone waits calmly for it to happen.

But it seems to be something which is much criticized. The following comment is usually made: "He would like to die? Why doesn't he wait? He is going to die anyway, there's no need to be in such a hurry, wait a bit!" Or, "Right now? His wife is going to cry because she needs to have a husband!". Thus, the inner dialogue of the Pai people is not one of fear or personal criticism. It is more in the vein of, "What inconsideration, what a rush!".

Cases of mentally disturbed persons are isolated. Passing to the other side is considered a possible solution. It is not a concept of "blame" or of guilt in the Guaraní scheme of religious thinking.

In the Guaraní thinking, death on this earth means the transition to the famous "world without sin", "Yvy miarañ". Its characterization varies according to the religious interpretation of each Guaraní group and even each person. In all the shamanist religions there is greater freedom of theological interpretation than in the written religions. Therefore, for example, if someone becomes a shaman he can describe a new "world without sins". I have once heard a Guaraní shaman say "The great world without sins! There is going to be radio, television, we are going to eat cooked meat...from cans!"

Chain Suicides

Up to now I have only mentioned individual cases. Now I would like to go on to those cases related to chain suicides which are different. I have not witnessed chain suicides in the three communities but I have information on how this process is carried out. In practice it begins with a death which could be considered an individual case. Shortly thereafter there are more cases among the friends of the dead, usually within the same age group.

All the Tupi-Guaraní societies have a distinct internal social organization arranged according to age groupings. Vertically it is by age group, horizontally, "o tekohá". It is an established plan for all the Tupi-Guaraní societies. The age group has great importance in the social structure.

Normally it is another person of the same age group, the young,the teenagers, sometimes direct relatives of the person who go on to kill themselves in the same way. Then the whole group, "o tekohá", enters a state of crisis because it is no longer considered to be an individual crisis. "Tavyja" is the term to describe this collective state. It comes from "tavy" a word used colloquially to mean nonsense, a mistake, something apart from common sense. For example, if I shot at a monkey three times without hitting it I could say "xe tavyte!" (How silly, what a mistake,what a failure!). The suffix "ju" has the connotation "golden, glorious, religious". When a community enters the state of "tavyju", everyone is in crisis. Once a religious leader in a community was telling me about an outbreak of tavyju which occurred years before but in spite of so much time having passed, he began to sweat and tremble...It was clearly as a result of the outbreak which was almost like a disease epidemic at the time.

There are many ways of overcoming this. For the moment the main method is to call a meeting within the community especially of the young people and to hold a ritual as a counterattack against the disease which is spiritual, of the soul, and which affects several souls like a threat to

the group. In order to achieve this one needs to confront it collectively, dancing and thinking deeply about the situation. They seeek out helping spirits. All the shamanist mechanisms are brought into play to fight this evil.

But there is also another more sensitive possibility which is difficult for us to understand and that is "paje vaí" (black magic, witchcraft). For example, if I am a Pa'i (shaman), or "nandenu" (spititual father) of a community and if through a revelation, in my capacity as a shaman, I find out that the cause is a curse cast by someone, I am obliged to fight the person who invoked the paje vaí with force. This can lead to murder. As such this needs to be interpreted in a different manner. Some could say "é paje vaí" (it was good, it was a necessary execution). But certainly others would say "No, that's a lie! It was not paje vaí! Then this can unleash great disturbances. For this reason, a responsable pa'i has to be very careful how he uses this interpretation because it can initiate a series of endless acts of revenge. The Pai people themselves say that if a community gets into this predicament, it can take years to clear up the matter. Such was the case of a Pa'i who had two sons who were killed and said that the best thing to do was to abandon the tekohá entirely, start another and perhaps to return later after three years or so.

These are the internal interpretations I got. So we can understand the difficulty of restructuring a community for solving such problems when one considers the restricted and overpopulated indigenous sites where there is no possibility of moving elsewhere to escape this chain of death-murder which is going on.

The analysis of Kaoiwá sequence suicide: minimal space

In my analysis I have identified four main causes for the suicides.

The first one is a question of living space. In every society there is a minimal space requirement. For example, the Japanese need one square metre of space; a Canadian needs a square kilometre if he is to retain his sanity. The Pai people are in the middle. They need a reasonable amount of space to feel comfortable. One needs only to visit a Pai village to see that the front patio forms part of his territory. A Pai could not imagine having a house without an open patio in front of it. The porch is a part of the house and has to be big enough to stage the ritual dances and for watching the sunrise. So if this unit of living space is very small, people can not hold these ceremonies which adjust the balance within the society.

In the quest for well-being, "tekopará" to the Guaranís, it is necessary to have constant group therapy. There is permanent need for a moderator to regulate the way in which they live together. These moderators are the nanderu, the "yvtyaja", the Pa'is, the moruvixa, who are the political leaders and they maintain harmony within the community. These communities function solely on the basis of consensus. Within the Pai political system, there is no other way than constant therapy to maintain consensus. Without a minimum living space to enact the adequate forms of obtaining consensus,

things go wrong.

Whenever there is a great concentration of people there are two ways out: either one continues being a Guaraní in a bad situation or one converts to being white, to idiots, to officials of the FUNAI. The latter case is probably the best alternative, psychologically and personally, but within the community one is under a lot of pressure.

This is exactly what happened in Dourados, Caarapó and Amamhái,some of the Kaiowá regions of Brazil from which some of the suicide epidemics originated. These places are the three largest settlements of the Pai people. They are a marginal suburban people. There is a great sense of social imbalance regarding their culture.

They die as Guaraní

The second cause of chain suicides is the lack of prospects which can be observed among the youth. They are under stress to decide between being Guaraní, but without room for being such, and being white, but without accepting it or having the requirements for being white. I believe they kill themselves in order to remain Guaraní. If I were a Guaraní and yet could not be one, but if I could die being Guaraní, I would prefer to die as a Guaraní in order to continue my existence religiously and culturally. As a person, I can be like a living dead, crossing over to the side of the white man. I could be a pilot with the FAB, but I would be dead as far as culture is concerned in my society. Therefore the adolescent who is at the point of making the decision "What will I do with my life?" is in a situation of crisis. And if he is not able to continue living as a Guaraní, but wishes to remain a Guaraní, the only logical solution is to kill himself. This is where I understand the lack of drama in the matter: it is a question of a very rational decision which has to do with space and culture.

Historical Heroism

The third cause has to do with the historical Guaraní hero. In Guaraní culture, especially in times of war, the historical lead character is crucial,also having great importance in historical mythology. It concerns the following: in wartime I can only be a leader who teaches others how to be heroes.

Likewise for most of the Pai people the current situation is considered as being one of conflict. There is a dirth of cultural channels open to the heroic protagonist to justify his existence in his community. So the step to life after death is considered an heroic act, that is what I have heard among the Pai youth. The older folk do not agree, according to them, in front of us they always criticised this attitude, deeming it anti-social. The gist of the older people's criticisms of the young people is that "It is very easy to kill oneself, this is not what one wants." But the young men, among themselves are, to a great extent, admirers of their colleagues who kill themselves saying,"Such-and-such was brave, he dared."

Mbyá Guaraní man, Paraguay. Photo: Miguel Chase-Sardi

The struggle against "Satanism" and the restructuring therapies of the Pai people

The fourth and main cause of the chain suicides is the influence of the missions. In the case of Paraguay the evangelists eloquently promote the idea that shamanist religious practices are literally satanic, including those practices aimed at social rearrangement in the case of the suicides. The missionaries' position is that it is a sin to kill oneself, that it is the "influence of the devil", that the blame rests with the "possessed" shamans. I think they even say that the fault is not with the person himself but with the "devil" who is inside of him. Consequently as you cannot kill evil people because it would be un-Christian, the only solution, according to the missionaries, is to draw an absolute dividing line. For example, in Pyypuku there are five families which have joined the missions, they say: "We are humble Christians, we are minorities and we are with Christ and who is with Christ will not be lost because we are sure to have a place in heaven. But our brothers are being taken up with demons. The only way to defend ourselves is to pray and to separate ourselves entirely from the others so as not to let evil penetrate this small community of Christian heroes." They cannot dance, drink "kangui", partake in the rituals, smoke (and smoking forms part of the shamanist ceremonies of the Mbya-Guaraní), and they are blessed for their lack of contact with material possessions and with divine salvation. You can imagine what this means in a society which functions on the basis of consensus. It is like a cyst, an open wound, losing a leg, because nothing works. All of this is taking place in a state of tremendous social degradation; any serious problem could have been settled collectively, but because of the lack of communication with five families, this possibility no longer exists. Neither can they be ignored. If someone does not collaborate, the entire group suffers. Logic would dictate that these families be expelled but the missionaries do not allow this to happen. Here political and financial power comes into play, the presence of the missionaries prevents expulsion from the group. This is because the missionaries intentionally want the families to remain there so that the whole community can be converted to the faith. It is a deliberate conflict imposed by the missionaries. They should be aware that the disharmony created by the Christians among them intensifies alcoholism and the rate of suicide, but they consider these social problems, demonic madness...They believe that this is the price for salvation, one has to go through this in order to form part of the purified Christian community later on. So they allow people to kill themselves for the purification of their five families.

The role of the missionaries in the suicide among Guaranís is a critical one. There is no other explanation for the fact that out of 38 Guaraní communities in

Paraguay, missionary activities are going on in three of the four communities which have this problem of chain suicides.

Prospects

Generally in Paraguay one could say that the communities are all right. You could not say that there is a lack of land or of space for rituals. On the contrary every two years the "mitapypy" (the piercing of children's lips) is routinely carried out and this serves as a strong marriage of culture and religion. Those to be initiated undergo three weeks of intensive training in dance and religion. There is also no decline in ethnic, cultural and religious identity. Nevertheless the problem is that these teenagers who have not passed through the period of struggle for land do not have the feeling of victory which the older people have. The oldest members succeeded in retaining 50 thousand hectares for 38 communities, rebuilding the land of the Pai people.

The young people however who have not experienced this have a more positive relationship with the Paraguayan and Brazilian people and no longer entertain the ideal of a lifestyle based on agriculture and the life of Pai rituals as being satisfying. There is a tendency among the young people to seek jobs as drivers or anything which involves mechanical or manual skills. Guaranís have always concerned themselves with developing these skills. This is what is called "katupyry", manual skills which the Guaranís always try to nurture. New careers, new prospects for material and professional improvement are needed which are compatible with this search for the development of the Pai katupyry and at the same time provides a response to the desire for professional prospects, of a life which does not conflict with the overall picture of traditional culture. In the eyes of a Paraguayan, the thinking of the Pai is viewed as such: "In order to re-establish balance, we have to offer more knowledge like the katupyry because we already have other kinds of knowledge and when we have a lot of it, things will go well".

We arrive at the conclusion that it is important to enlarge space in order to live as a Guaraní, at one with the land, continuing the "Pai-tavytera" project advising the communities. Life in a society can lead to depressing situations which everyone experiences at least once in a lifetime. What we are looking for within this social space is the balancing effect of consensus, religious and cultural reaffirmation and war against the undoubtedly damaging influence of the missions. ❑

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IWGIA

DOCUMENTS

52.THE MAASAI AND THE STATE $ 4.00

58.SELF DETERMINATION AND INDIGENOUS PEOPLES $ 7.20

61.TOURISM: MANUFACTURING THE EXOTIC $ 11.60

66.INDIGENOUS WOMEN ON THE MOVE $ 10.00

67.INDIGENOUS PEOPLES OF THE SOVIET NORTH $ 6.00

Interview with Ariel Araújo

- Alternate Coordinator of the Mocovi Centre "Ialek l'ava"

Argentina, South America

By Alejandro Parellada

On the 5th of July, Ariel Araujo, alternate coordinator of the Centro Mocoví (Mocoví Centre) "Ialek L'ava", visited Copenhagen. In an interview with IWGIA, Araujo confirmed that this was the first time that a representative of the Mocoví Centre had travelled to Europe to make contact with various organizations which could spread the word on the condition of the indigenous Argentinians in general and of those living along the coast in particular. The interview with Araujo follows.

What is the current situation of the Mocoví people?

We could start out by saying that the Mocoví people have been at war with the Argentinian state from as far back as the beginning of this century. The last great massacre of the Mocovís, carried out by the Argentinian army in 1911, is known as the "Masacre de San Javier" (Saint Xavier Massacre). Two hundred indigenous people were killed and their land confiscated. This occurred in the vicinity of San Javier in Santa Fé province.

The San Javier Massacre was a shock to our political structure, causing massive migration to other parts of Santa Fé province. Thereafter, in the 30's, 40's and 50's, pressure from the police and foreign corporations generated a very great wave of migration from the north to the south of Santa Fé province. Many families have settled in suburban communities of between 4 to 5 thousand inhabitants and today about 20,000 indigenous Mocovís live in the entire Santa Fé region. Migration has also caused the gradual loss of the language; there are already one or two generations who do not speak the Mocoví language but there is a strong movement afoot to save our language. This process of recapturing one's identity is not only Argentinian but extends across Latin America. It is a matter of restoring political and religious institutions. In the case of the Mocovís, we are trying to maintain our traditional religion in spite of the influence of certain Christian churches. I am referring particularly to some of the evangelical churches from the United States, but their activities receive limited response in light of the trend of the Mocovís to revive their traditional religion.

But in my opinion the issue of land is the most serious problem now facing our people because when we do not have legal possession of land it is difficult to plan our future and our development.

The majority of our communities are located on private lands where there is the constant risk of being dislodged as happened last year in the Reconquista area of the "La Lola" community. A group was transferred from one area to another because they were on land belonging to a Catholic organization. This whole scenario makes land the most important question to be resolved.

In 1853 the Mocovís and other groups shared 8 million hectares of land in Santa Fé. Now we have nothing. Nevertheless we have begun to study historical documents in recent years and we have found numerous treaties between the Government of Santa Fé, the Government of the country and the Mocoví people. Laws which should have allocated land to the Mocovís in the last century have never been complied with. We are interested in the State fulfilling its pledges to the Mocoví people. This would be a significant first step.

In the area of legislation, last year the Santa Fé province where I live passed Law number 10.375, a law of the province whereby the province agreed to adhere to the national legislation regarding indigenous communities. Up to 1985 the government of the Santa Fé province denied the existence of indigenous people in the province.

Don't you think that one of the problems of Argentina is the non-recognition of indigenous communities in the country?

That is true. In Argentina a large sector of the population and government denies an indigenous existence and considers their cultural base to be in Europe. I believe Argentina is the most Europeanized country in Latin America and this complicates our situation. For many years Argentinian foreign policy touted the non-existence of indigenous people in its territory. Five or six years ago it was quite common to hear our ambassadors at the Commission on Human Rights at the United Nations in Geneva say that there were no indigenous

people in Argentina. But it is only since we have started making international appearances that we are starting to "exist" again. According to the official history of Argentina, the indigenous people were exterminated at the beginning of the century. In reality today we are more than one and a half million living in Argentina.

The official doctrine says that the indigenous people are part of the country's past, not the present, much less the future. A part of the political struggle of our organizations is to change this way of thinking among the public and the society at large, and to affirm our presence; to say that we are different people but that the State of Argentina needs to recognize us as such. That is why we intend to fight the situation within the legislation of the country with a view to future constitutional reform. In Argentina our legal status is that which is set out in article 67 of the Constitution wherein it declares that the Argentinian state should maintain peaceful treaties with the Indians and promote their conversion to Catholicism. This is the depth of the law regarding us, so that in principle we are in a state of war against the State, in keeping with the spirit of the Constitution.

Are the indigenous people now recognized as part of the State?

Now we are, but this has only come about through our pressure and constant public presence and our contact with the government. All in all, there is no official recognition. In Santa Fé alone there is a law for indigenous communities but there is no explicit recognition of the existence of indigenous people as such. In the national census, for example, no specific reference is made to one's ethnic origin. For this reason it is very difficult to identify who is indigenous in Argentina.

What are your current relations with the government of the country?

The political sector continues to consider us marginal groups having little electoral potential, groups which require hand-outs for their survival. There is no reason to plan seriously for them, much less to give them the means to achieve political or administrative autonomy. This is the situation we need to reverse.

Is there any official body which deals with indigenous affairs?

There is a law, number 23.302, the law of indigenous communities, which was approved by Parliament in 1985. The government under the leadership of President Raúl Alfonsín paved the way for its implementation four years later. Since then there has been a change of government and the current President Menem does not seem to have any intention of putting this national law into effect. The previous government had wanted to create a National Institute of Indigenous Affairs but up to now this has not been established. There is only a department within the Ministry of Social Action which deals with indigenous matters.

What relations do you have with other indigenous communities in Argentina?

Since 1986 the Mocoví Centre in Santa Fé and the Guaraní organization have been in close contact, a process which other organizations of indigenous people,like the Chacos and the Tobas, have joined. Then we have expanded our cooperation with other indigenous groups in the country but it is in the coastal region where we are working in the greatest unity. We hope to intensify this process of unification.

In addition, the Mapuches in the south of Argentina are progressing with a unification process. Down there one finds the oldest organized groups like the Organización Mapuche Neuquina which is a very solid organization in Neuquén. In the long term we believe it will be necessary to form a national representative organization because we think at the moment Argentina is not counting on a national indigenous organization.

And on the Latin American level?

The Guaranís are working with Brazil and Paraguay. In the last two years our organizations have been making contact with other indigenous organizations in Latin America. There are two events which the indigenous organizations will have to discuss to coordinate our actions, namely, the Conference on the Environment in Rio de Janeiro and the Commemoration of 500 years of Colonization. We have not had any collaboration in Argentina as yet, but before the end of the year the Mocoví Centre and the Guaranís plan to meet with the various indigenous organizations in Argentina, especially with those from the interior, in order to coordinate our activities relating to these two subjects.

With regard to the 1992 Conference, there are several preparatory meetings being held on the Latin American level together with other sectors such as environmental groups, human rights organizations and some trade unions. This year we have participated in two meetings involving other Latin American countries. In one such meeting held in Las Leñas in Mendoza, there were delegates from all the countries (in Latin America) including representatives from some companies. Out of the 400 participants only 4 of us were indigenous, but in spite of being few, our thoughts were incorporated in the final declaration. We discussed various basic issues relating to the environment and development. We think Latin America should search for appropriate models of development, sustainable development which does not destroy the environment. We believe the indigenous models of development should be taken into account because our people have developed our own economic models which are not as destructive as those of the West. The indigenous models should be studied and expanded.

The Mocoví centre works along with the Guaranís. Could you tell us something about the situation of the Guaraní Indians in Argentina?

To my understanding the situation of the Guaraní people in the province of Misiones is the most critical in the country in relation to human rights and indigenous rights. In 1986 the Guaraní communities of Misiones got together to debate a legislative proposal and to present it to the provincial government. After much negotiation the Parliament of Misiones approved this law in 1987. This law, number 2435, decreed many fundamental issues of importance to the people.

In the first article it sets out institutional recognition of the Guaranís as a people and it practically grants them semi-autonomy within the State. Secondly, it provides for the restitution of certain territories to the Guaraní nation. This is of utmost importance, the restitution of ancestral lands. It provides for the setting up of a board to handle indigenous affairs, but with the participation of a Council of Indian representatives with broad powers. According to this law, this Council could veto a decision made by the government affecting indigenous communities. It also created an agenda for social, cultural and economic programmes, development programmes, health and housing. Finally it provided that judicial power should take into account the norms of customary (Common Law) rights. It was a very advanced legislation for Argentina. Unfortunately there was a change of administration in the province in 1987. The new governor implemented a policy which is absolutely contrary to the law and to indigenous interests, a segregationist policy. Peronism within the Parliament opposes the sanction of this law. In 1988 the governor ordered the suspension of all the programmes of social assistance in the middle of winter. More than 35 children and old people died as a result of malnutrition because of this. Lorenzo Ramos and other Guaraní leaders called it sneaky genocide.

In 1988 governmental action intensified against the interests of the indigenous population. In March 1989 a gathering decided to stage a public demonstration in Posadas, the capital of the province, demanding the application of the aboriginal law. The governor refused to meet with the group but after 10 days of demonstration he agreed to sign an agreement which promised to uphold the legislation and to hand over the lands. Regrettably months passed without the government fulfilling its obligation. In September the same year, on their own initiative, the Guaranís presented a draft law for the restitution of lands before Parliament with a view to the return of 140 thousand hectares to the Guaraní nation as an act of historic reparation. The parliamentary commissions only approved 15 thousand hectares. Before the Parliament had given its approval, the governor announced that he would veto this law and this prompted a second public demonstration outside the government offices urging the governor to approve the restitution of lands law and to apply the standing aboriginal law. Ten days later the governor passed the law relating to the lands but not the one on aborigines, still refusing to meet with the indigenous groups.

Ariel Araújo from the Mocoví, Argentina, on his visit to Copenhagen, July 1991. Photo: Alejandro Parellada

The Guaraní leaders remained outside the building without being received by the authorities. The governor then started to make racist statements trying to incite ethnic conflicts. He claimed that if lands were handed over to the indigenous people there would be war between the latter and those of European ancestry, but that was not true because in general relations are good between indigenous people and the other ethnic groups. The demonstration was called off because it was impossible to sustain it for such a long time and because at that time there was a change of membership in the Parliament. In December on the day of the swearing-in of the new deputies a draft law was issued revoking the aboriginal law and replacing it with another. Curiously, in 15 days, record time for Argentina, the parliamentary commissions gave the nod of approval for this new law and in light of the new situation, a fresh set of demonstrations and hunger strikes erupted. The new law relating to the aborigines was opposite to the previous one and in practice this new law was declaring a principle of "apartheid" in Argentina because each community was to be converted into a ghetto in which the State would plan the lives of the indigenous people. During this entire period of mobilization there reigned police pressure, death threats against the indigenous leaders and press censorship. With the approval of the new law, in 1990, the government is taking segregationist positions. In May 1990, with the excuse that it was setting up a tourist resort near to the Iguazú waterfalls, the police expelled an indigenous community, burned down the settlement and destroyed their crops. The people were loaded into a truck and hurled into a garbage dump in the city of Puerto Iguazú.

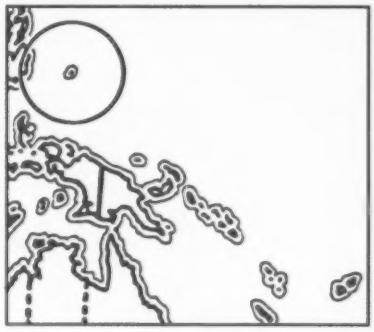
The government is urging private companies to settle on the 15 thousand hectares which were approved by Parliament. These companies are basically logging enterprises.

The Guaranís have started to take some retaliatory actions primarily for the burning of houses, but justice in Argentina is controlled by political power and this makes it very difficult to progress along these lines.

How do you envisage the future of the indigenous people in Argentina?

I envisage greater independence, greater autonomy relative to the society as a whole and greater preservation of our cultural identity. I hope it will be like that. I think that is where the future lies. There is a tendency towards a strengthening of cultural identity among nations. The crisis which has evolved in Eastern Europe and currently in Yugoslavia shows that people need greater cultural identity, greater independence and autonomy. I believe that humanity is experiencing the fourth renewal as we approach the end of the century. I believe it is a very strong and solid trend which can challenge any system, communist or capitalist. ❑

Palau Trusteeship Council Petition



Belau, Western Pacific

By Meikam Weera

We would like to thank you Mr. President and the distinguished members of the Trusteeship Council for the opportunity to present this petition today. My name is Meikam Weera. I represent *Otil a Beluad*, a group of Palauan citizens concerned about the future of Palau. Accompanying me are Seba Cosby, and Anne Simon from the Center for Constitutional Rights.

We are grateful to the United Nations for its role in ending Palau's colonial status 44 years ago, and to the Trusteeship Council for its continuing concern for our country. We appreciate the democratic system brought to Palau by the Administering Authority (USA). We would like to take this opportunity particularly to express our gratitude to Morris Udal, who has recently resigned form the United States House of Representatives, for helping us to believe in this system of democracy. It is our firm commitment to democratic ideals that brings me here today.

Since the last session of the Trusteeship Council, the Security Council has acted to terminate the trusteeship status of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Commonwealth of the Northern Marianas. The trusteeship for Palau remains in place, yet we realise that this trusteeship will not continue forever. *We are as anxious as the Administering Authority to terminate our trusteeship. However, termination must be on a firm ground that provides adequately for Palau's future;* it should not occur prematurely, without consideration of the problems that hasty termination could create for Palau.

We know that many people, including some officials of the Administering Authority, believe that the process of agreeing on a future status for Palau has been the opposite of "hasty". However, *we believe that the actions of the Administering Authority over the past ten years in presenting the current Compact of Free Association as the only option for our future status has stunted and distorted our perceptions of our choices.* The Compact proposal has been rejected in seven referenda, under three different Palau governments. *Each time, it has failed to attain the 75% majority mandated by our Constitution, which was overwhelmingly adopted by our citizens. We believe, as we have learned from the Administration Authority, that adherence to constitutional requirements is one of the most fundamental attributes of a responsible democratic system;* we are proud that, despite many obstacles, our country has continued to uphold its constitutional mandates.

We respect the views of the majority of Palauans who at various times have voted for the Compact proposal. However, we also recognise that many people voted for the Compact out of fear, intimidation, or ignorance of what the Compact actually provided. We hope that this Council will encourage the Administering Authority to recognise that Palau needs time to heal after the difficult and divisive events of the last ten years.

We are concerned that the recent Secretary's Order 3142, which alters the relationship of the Administering Authority to the Palau government, will not create the opportunity for healing. *We still do not fully understand what this Secretary's Order means for Palau, but we do know that it moves away from the self-reliant future that is the goal of the trusteeship system. As written, this Order creates the framework for direct rule from Washington on many issues, despite the existence of Palau's constitutional government.* We would like to bring to the Council's attention several provisions of the order.

First, the Order allows the United States Assistant Secretary of the Interior to appoint two very important officials of the Palau government- the special prosecutor and the public auditor. Although the Order makes some attempt to limit the circumstances in which this power may be exercised, the limitations are vague and weak, compared to the importance of the power granted to the Assistant Secretary of the Interior.

Second, several provisions of the Order give the Assistant Secretary of the Interior extensive power over financial transactions of both the national and the state governments in Palau. We are concerned that the order provides almost no standards for the assistant secretary's use of this vital power, which can be readily abused. This lack of standards is of concern to us not only because it fails to help the Palau government improve its fiscal management; if there are no standards to aspire to, and to compare with the government's performance, how are Palau officials going to learn how to evaluate and improve their administration? *We do not want our government to be deprived of the opportunity to mange its own affairs; if help is needed, help should be offered- not control.*

We would also like to express our concern that the Order requires our government to receive prior approval from the United States Department of State for all

communications with United Nations agencies other than this Council, as well as communications with all other International organisations. As Palau seeks to build a strong foundation for its future, the Administering Authority should encourage Palau to make use of the expertise on development and environmental issues found in United Nations agencies, and should facilitate contact with International organisations. Wouldn't it be most honourable for the Administering Authority and this Council to work closely together to ensure Palau's final steps toward self-government by introducing Palauan citizens and their leaders to all United Nations agencies available to assist them with economic and environmental development and social and cultural preservation?

Our immediate concern now in Palau is the drafting of a master national development plan, as directed in the Secretary's Order. We are pleased to note the Order's requirement that no construction may be undertaken on any of the Rock Islands without prior legislative approval in Palau, which is the first formal recognition by the United States Interior Department that Palau's environment is very fragile and needs careful and sensitive protection. However, we fear that the Order's lack of standards for the development plan will lead to chaos and environmental damage in Palau. We need well-defined and attainable standards for both environmental protection and economic development. Instead, we see the Secretary's Order giving very detailed attention to financial matters and virtually disregarding our most valuable resource, our environment.

We understand that we are very dependent on financial aid from the Administering Authority, and that this makes us vulnerable to both economic and political pressures. We want to build a healthy and sustainable future, which reflects the cultural integrity of Palau and allows us to integrate what we have learned from the past, what we are experiencing now, and what we must conserve for the future. In order to accomplish this, *we must break away from this dependency, in which the Administering Authority merely pours millions of dollars into the Palauan economy by means of annual grants. This system ignores and neglects our continuing need for basic infrastructure improvements necessary for an economically independent future, such as a reliable water supply and an adequate road system through Babeidaob, the largest island in Palau. We also need to give attention to our rich ocean resources, which, if made a top priority and properly developed, could be a foundation for our economy. These necessary infrastructure projects should be completed, and the master national development plan should be completed, implemented, and functioning well, before the Trusteeship is terminated.*

As central as these development issues are, we must note our concern about an important issue raised in a recent cable sent by the United States State Department representative in Palau to the United States embassies throughout the Pacific. Virtually buried among a number of ill-informed comments in the cable was the valid point that "the only real U.S. strategic interest in Palau is that of strategic denial, i.e. ensuring that no other power establishes military bases here..." *This is also our goal - "the "strategic denial" of other countries" military power in our country, as well as the prevention of the militarisation of Palau by the United States.* We fear that military presence -- any military presence -- in our islands would invite foreign aggression, just as the Japanese military presence in our islands before World War II led to extremely destructive military actions. We were made victims of a war we did not create. Even today, marine life in areas affected by World War II is dead forever.

We hear today of displaced individuals, families, refugees, homeless children around the world because of war and insensitive acts of governments. We ask for the liberty to create our own path, to chart our own course while we have this choice under the United Nations Trusteeship system; that is, under our democratic constitution and international law.

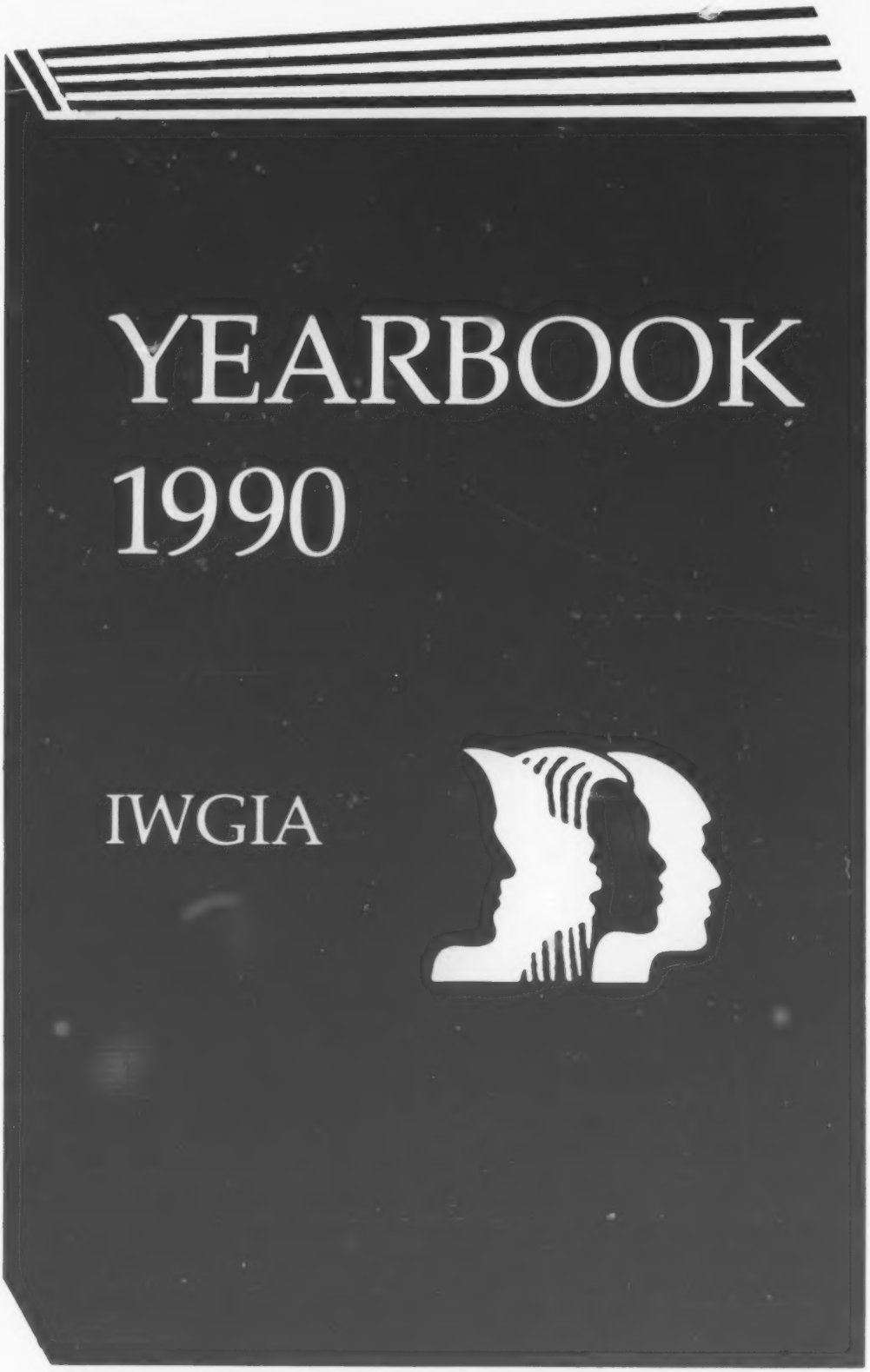
We say this not to defy the Administering Authority, but to help insure a future status of economic independence with mutual benefits. *The status of commonwealth does not appear to provide that opportunity, since it puts us at risk of becoming a minority in our own country. Nor do we want the status of a territory, because we do not want to be in servitude to other nations. We do not want our land to be someone else's "contingency plan"*

We ask the Trusteeship Council:

1. *Not to recommend termination of the trusteeship Agreement for Palau* until Palau is ready at its own pace to seek termination.
2. *To review Secretary's Order 3142,* issued by the Secretary of the interior of the Administering Authority, in order *to assure that it is consistent with all the obligations of the Administering Authority,* including its obligations to foster political institutions and promote development toward self-government or independence.
3. To recommend that the Administering Authority *waive or change the requirement* in Secretary's Order 3142 that *the United States Department of State approve all communications from Palau to any agency or organisation of the United Nations. We urge the Council and the Administering Authority to pay special attention to communications with those agencies concerned with environmental protection and development planning, so that the expertise not only of the Administering Authority, but also of the United Nations, will be utilised in the Palau master national development plan.*
4. To assure that *Palau becomes and remains an active participant in all aspects of the process of attaining real independence and self-sufficiency,* including consideration of developing a new status; we believe that the United Nations, and in particular this Council, can and must assist us to find a system that can avoid direct foreign economic, political, and military control over our land and our lives.

In conclusion, I would like to share with you a thought that I believe expresses feelings among some of my people. The power of choice is a divine gift entrusted to "man", not to be coerced or imposed upon by any other authority. It is an extremely delicate and sacred trust that must be guarded against any form of violation.

Source: Pacific News Bulletin, August 1991. ❑



IWGIA yearbook 1990, US$ 10

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Brazil: The Demarcation of Yanomami Lands

In a few days the time runs out for the Brazilian government to decide upon the demarcation of Yanomami territory. FUNAI (the National Foundation for the Indian) has named a clearly defined area of 9.4 million hectars.

The last eight months have been marked by the deaths of indigenous from malaria, tuberculosis and venereal diseases in the Yanomami area, apart from three clashes between »Garimpeiros,« gold miners, and agents of the Federal Police and of FUNAI.

On the 30th of September last, the President of FUNAI revealed that there are 500 gold miners in the Yanomami area.

On the other hand, Venezuela transformed the 83,000 km² of the Yanomami territory into a preservation area. The Venezuelan President, Carlos Andres Perez signed, in the first fortnight of September, two decrees which turn the area where 14,000 Yanomami live, in Venezuela, into a National Park and a Reserve of the Biosphere. Perez guaranteed that »religious proselitising, colonisation and mining would be eliminated from the Yanomami area.«

Source: Aconteceu 4–10–91 ❑

Cameroun: the Uncertain Future of Baka Pygmies

The future of the Baka pygmies of Cameroun is threatened, as the World Bank considers providing a $30 million loan to finance the infrastructure for logging 3,5 million acres of primary rainforest area that has been a homeland for this seminomadic indigenous tribe.

The area has also a wealth of wildlife which includes such large mammals as elephants, forest buffaloes, and gorillas.

During the rainy season the pygmies, spend most of their time moving through the forests; and during the dry seasons spend time in their villages.

The Baka Pygmies have no land titles. The Cameroun Government requires that for forest land to qualify for title deeds it would have to be converted to agricultural land first.

The World Bank loan would finance logging in the south where the primary forests are still relatively intact. The proposed 600 kilometer logging road will be carved through the primary forest, a part of which the Government has promised to set aside for conservation . Like in many other cases elsewhere in Africa the pygmies will have no right to enter or use the conservation area.

Their future is threatened by logging and agricultural expansion into their homelands. They have no place and their future is threatened.

Sources: Rain Forest News, June, 1991. ❑

Izvestya, 4th of March 1991:

At a meeting of the Tyumen Territorial (Oblastnoj) Council it was decided to establish areas of priority land use, and these areas were designated and defined.

A year ago Izvestiya for the first time wrote about the possibility of future zones of priority land use in the Yamalo-Nenetsky region (Okrug), the Khanty-Mansiisk region (Okrug), and the adjoining Uvat district.

The necessity of establishing such »special zones« was never questioned in the territory (oblast). The intention was to create Northern areas, where the indigenous population could work in their traditional occupations; reindeer-herding, hunting and fishing. This would imply no admittance for drilling brigades, timber-felling brigades, gas-industry workers, geologists or builders.

The Small Peoples of the North will thus have the possibility of living quietly, working and developing.

I think it is one of the most important decisions made hitherto by the Territorial (Oblastnoj) Council,« says A.Filippov, working at a reindeer collective farm at Saranpaul. »Now the claims of the indigenous peoples have gained juridical power. I believe that the special zones will become not only places of social revival for the Northern peoples, but also places that will raise the economic potential of our multinational territory (Oblast).« ❑

PREPCOM: Proposal of the Inter-Tribal Committee in Geneva

The Inter-Tribal Committee »500 years of Resistance«, which includes indigenous leaders from Brazil, Panama and Bolivia, prepared the »Indigenous Statement on the Environment and Development«, a document which was presented before the Third Session of the PrepCom (Preparatory Committee of the United Nations Conference on Environment and Development) in Geneva, from August 12 to September 4.

The document proposes that the United Nations Organization should recommend that member governments take the following into account during the coming preparatory meetings for UNCED-92:

a) The formulation of policies affecting the Indigenous Peoples should include the participation and co-ordination of its members in all aspects of decision making, both at the national and international level.

b) In order to guarantee respect of our self-determination and our system of organization, governments should recognize and apply the policies of human, territorial, cultural and spiritual rights.

c) Governments should guarantee and support the re-appraisal of our technology and economic models which allow us to create new formulas of balanced exploitations of the resources of our main cultures.

d) The processes of reforestation should respect the natural habitat of the spe-

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cies living there, its biodiversity and the environment.

e) Priority should be given to studies which promote the indigenous practice of using nature as a lesson in environmental education. For example: the prevention of fires which lead to soil erosion; the substitution of pesticides through the use of aromatic and medicinal plants.

f) In promoting self-sustainable development, the new seeds of the indigenous populations relating to their interchange with the society at large should be taken into consideration, such as the utilization of surplus products.

g) Educational systems should recognize and develop the indigenous and environmental culture by means of exchange between the populations, taking into account all pluricultural and linguistic aspects, and acknowledging the value of indigenous science.

h) There is a need for the strengthening of the rights of the indigenous peoples over their intellectual property, the biodiversity of the areas they occupy, along with its scientific, technical and economic uses.

Sources: Informe Jurídico, August 1991. ❑

CSCE-CHD:
Statement from the Parallel CSCE-CHD Meeting in Moscow 1991

At the Conference on the Human Dimension in the CSCE process a meeting was organized by the Inuit Circumpolar Conference, the Nordic Saami Council, the Association of Ind. Peoples of the Soviet North, and IWGIA. The three indigenous organizations, adopted the following statement:

We, the representatives of Indigenous Peoples' organisations of the Circumpolar Region, being the Inuit Circumpolar Conference, the Nordic Saami Council and the USSR Association of Northern Indigenous Peoples have made the following statement:

Affirming that the indigenous peoples as well as all other peoples have the right to self-determination and by their free will have the right to determine their relationships with the states founded on their lands.

Requiring state governments to recognize and accomodate the rights of indigenous peoples to self-government, lands, renewable and non-renewable resources, and to recognize their cultural, social and economic rights.

Recognizing that indigenous peoples have collective as well as individual rights to land and resources and to develop their particular cultures.

Requiring that no land must be set aside, disposed of or expropriated without the consent of the indigenous people.

Requiring all governments to respect indigenous peoples' territorial rights including rights to renewable, non-renewable and sub-surface resources.

Requiring that indigenous people must not be subject to any form of forced or involuntary assimilation or integration.

Noting that adequate resources must be made available by the governments to meet the real social, health, economic and educational needs of indigenous peoples.

Confirming that indigenous people should not be an object for any form of discrimination.

Appealing to all Circumpolar states to follow and effectively realise all international agreements concerning indigenous peoples.

Urging the governments of the Circumpolar states to actively promote the rights of indigenous peoples in the drafting of an International Declaration of Indigenous Peoples now being prepared by the United Nations.

Urging all governments to incorporate the rights of indigenous peoples as adopted in this statement into the CSCE process.

Urging all governments to actively support indigenous participation in the UNCED process and to support them by all necessary economic means.

Considering the new spirit of cooperation initiated by the CSCE process.

We, the participants in this meeting in Moscow are confident, that all governments in the future will take all necessary steps to fasten the cooperation between indigenous peoples as well as those between the states.

Signatories: Vladimir M. Sangi, Leif Halonen, Ingmar Egede. ❑

Chittagong Hill Tracts:
Letter from the Vice-President of the European Parliament, Wilfried Telkaemper, to the Prime Minister of Bangladesh

European Parliament
Vice-President
Wilfried Telkaemper
97–113, rue Belliard
MAE 726
1070 Brussels / Belgium

Prime Minister
Mrs. Begum Khaleda Zia
Prime Minister's Office
Dhaka/BANGLADESH

Dear Mrs. Prime Minister,
as a member of the Chittagong Hill Tracts Commission I visited Bangladesh in De-

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cember 1990. The intention of this Human Rights Committee was to investigate allegations concerning human rights abuses by the army and Bengali settlers against the tribal population living in the Chittagong Hill Tracts. Our commission published a report with the title »Life is not ours«,in which we have described the results of our findings and have voiced our deep concern about grave human rights violations in the Chittagong Hill Tracts.

Now I was informed that the distibution of this report in Bangladesh causes problems for people who are engaged in human rights affairs. Mr. S.M. Shaheedullah and Mr. Rashedur Rahman Tara of the Bangladesh Nagarik Committee were intimidated and interrogated by Mr. Tabibur Rahman of the Special Branch Police and simultaneously 960 reprinted copies of our report »Life is not ours« were seized.

As far as I know the report of our Chittagong Hil Tracts Commission has not been banned in Bangladesh and therefore the reprinting and the distribution of the report is not illegal. Please be aware of the fact that the trip of our Commission was completely legal and was organised with the help of the Bangladesh authorities. But even if the distribution of the report is illegal, this would constitute a grave violation of the basic human rights of free expression and free access to any information.

Therefore I like to protest strongly against the intimidation and interrogation to the above mentioned Mr. Shaheedullah and Mr. Tara. I ask you to take the measures you find appropiate to prevent the Special Branch police and other Bangladeshi authorities from intimidating and interrogating Bangladeshi citizens because of this report.

If our report of the Chittagong Hill Tracts Commission is banned in any form, please let me know.

My colleagues in the Commission urge you and your government to stop the human rights violations in the Chittagong Hill Tracts and in connection with the distribution of our report. This report so far has received high consideration in European countries and the EC. I am sure that the national governments and the European Commission are keeping a close eye on the human rights situation in Bangladesh and will take decisions regarding the relations to your country in the light of this situation.

Sincerely Yours,

Wilfried Telkaemper ❑

Indigenous Rights as a major part of a New Grassroot Movement.

From the 9th to the 12th of October the Alliance of Northern People for Environment and Development, which represents over 8,000 grassroots organisations, met in San Sebastian, Spain. The alliance has been made as a part of the alternative UNCED (the United Nations Conferance on Enviroment and Developent) process, and counts as their members grassroots organisations and NGO`s from all of the ECE region (Europe, USSR, Canada and the USA). At the meeting in San Sebastian the alliance formally received both it`s name and statutes. Furthermore at the meeting a Political Framework was agreed which shall be the common basis and identity for the alliance.

The Political Framework has some important aspects which directly emphasise indigenous rights:

»- a recognition of indigenous peoples rights to life, land, culture, self-determination and sovereignty. This also contains the right to use the renewable and non-renewable resources in a sustainable way for social, cultural and economic ends.«

The recognition of indigenous peoples rights to sovereignty and self-determination is essentially wider than those suggestions, concerning indigenous people, made by the nation states for the Preparatory Committee for UNCED. Canada, New Zealand, Australia and Denmark have recommended the Preparatory Committee to pay special attention to the indigenous peoples unique status and role in in an enviromental and development context. The intimate connection between development and self-determination and sovereignty is on the other hand not mentioned. One can therefore only hope that the 8,000 grassroots organisations, who now have agreed to a Political Framework emphasising the indigenous peoples rights to self-determination, also will do their best to ensure that the nation states will take these rights into the UNCED process.

Most of the new members of the alliance are enviromental groups. It is therefore a positive surprise that they are speaking of the indigenous peoples right to use renewable and non-renewable resources for economic ends. This indicates as a matter of fact a recognition of the Arctic peoples right to the hunting and trapping of seals, whales and fur-bearing animals for export. It is not because there should be anything peculiar in exporting, but as everyone knows the enviromental movements have for years tried to ruin the arctic hunters basis for existance by destroying the market for their products. Those environmental organisations who have been most active in the Arctic recognise mostly only hunting and trapping if the purpose is for direct consumption. Following this philosophy it is not the sustainable basis that is important but the self-consumption. The new alliance makes it clear that they emphasise sustainability. It should be noted that the environmental organisations who for years have been a threat to the Arctic peoples are not represented in the new alliance. If they should apply for membership then they have to accept the Political Framework.

Another aspect in the Political Framework could also be valid for indigenous peoples:

»- fairly rewarding local populations for all benefits derived from their knowledge and resources. This includes ongoing royalties«. ❑

LATE NEWS · LATE NEWS · LATE NEWS · LATE NEWS

Troops stop medicines reaching Bougainville

By Mary-Louise O'Callaghan

The Papua New Guinea Defence Force is barring medicines, Vaccines and International Red Cross Staff from reaching Bougainville's main island, where up to 12,000 children are believed to be in danger from preventable diseases.

Australian aid agencies are also being prevented from implementing relief and restoration programs, although the Papua New Guinea Government granted them permission to enter Bougainville more than six months ago.

In the latest incident, last Sunday, desperately needed immunisation vaccines for the 6000 babies born since the island was blockaded nearly 18 months ago, were off-loaded en route to the island by the Papua New Guinea Defence Force.

International Red Cross officials confirmed that this was the second time that Papua New Guinea security forces based on Buka Island had removed and destroyed measles vaccination kits destined for the main island, where doctors believe an outbreak of the disease is imminent.

The Pacific delegate for the International Red Cross, Mr Xiaohua Wang, told »The Age« that the organisation was now considering aborting its $ 300,000 emergency relief program for Bougainville because almost all the funds had been spent.

We are very unhappy with the situation at the moment because our operations are at a standstill, while the situation on Bougainville has become worse and worse.«

The Red Cross has had three medical delegates and medicines worth $ 60,000 on stand-by in Rabaul for six months.

Mr Wang said that by denying access to Bougainville, the Namallu Government was effectively ignoring the mandate granted to the International Red Cross by Papua New Guinea when it signed the Principles and Rules of the Red Cross and the Red Crescent Disaster Relief.

The Australian Government which has provided $ 250,000 to Australian aid agencies for Bougainville relief work, has also been pressing the PNG Government on the issue of access which has been under an on-again, off-again blockade since secessionist rebels made a unilateral declaration of independence in May last year.

The Papua New Guinea Prime Minister, Mr Namallu, his department and the Defence Force were not available for comment on the issue.

But last month the Cabinet is believed to have approved, but not announced, a new policy on non-Govenment organisations which bars them from any areas of the country not under national Government Control.

Last week, further talks with Bougainville leaders were postponed indefinitely.

The provincial secretary for the North Solomons Province, Mr John Siau, told »The Age« that Bougainville was »oversupplied« with medicines.

He said that, on the main island, 25 health centres were operating and more than 157 teachers were receiving salaries.

But Red Cross and Australian aid officials said that while some medicines were being provided to Buka Island by the Papua New Guinea authorities, only a trickle of medicines was reaching the northern and southern tips of the main island.

There has been no supply in central, where most of the population is and where people have been hit worst by the blockade«, Mr Wang said.

The director of Australian Catholic Relief, Mr Denis Tamplin, also confirmed that very few medicines were reaching central Bougainville.

Mr Tamplin said that an Australian-funded pharmacist who had been waiting in Rabaul for three months had not been allowed on to the island.

A big concern of the agencies is the lack of immunisation for the estimated 12,000 children aged under five on the island.

The last complete immunisation of children was in 1989.

A report prepared for the International Red Cross by Dr Charles Laubal in the island's capital, Arawa, last month, warned that Bougainville could soon face a measles epidemic.

The disease usually occurs in three-year cycles on the island. The last outbreak was in 1987 and 1988.

Mr Wang said the Red Cross would decide in the next fortnight about the future of the Bougainville program.

The Australian Government donated $ 100,000 to the Red Cross Bougainville Fund, the EC gave $ 100,000 and the New Zealand Government donated $ NZ 60,000.

Source: »The Age«
Monday the 14 october 1991 ❑

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Reports and Statements from United Nations Working Group on Indigenous Populations:

UNWGIP 9. Session GENEVA 1991

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Mining Threat

By Kirstie Parker

The large Aboriginal delegation has come to Geneva with an axe to grind. Back in Australia, Aboriginal lands are under threat from mining, as Kirstie Parker reports from Cairns, Queensland.

June 1991 was an historic month for Aborigines in Australia. It was when Coronation Hill, in the Northern Territory's Kakadu National Park, was won.

As the traditional home of about 300 *Jawoyn* Aborigines, the area had for years been at the centre of a controversial gold mining proposal.

But, on June 18, 1991, the Federal Cabinet made the decision to ban mining in the area. The decision was seen by Aborigines as an important sign of respect by a Labor government – which in the same month backed away from fresh moves to establish national land rights laws.

Prior to the decision, the prominent Darwin-based Northern Land Council, acting on behalf of anti-mining Jawoyn people, wrote to the Prime Minister, Bob Hawke, "It will become a symbol of your government's respect for our religious beliefs and our sacred places, or a symbol of your contempt for Aboriginal people."

The Coronation Hill debate was watched by mining and business interests who regarded it as a litmus test of the government's commitment to development. There were warnings of international ramifications, that faith in Australia as a resource-wealthy country where business investment brought lucrative rewards would diminish.

It will be some time before those predictions can be fully tested. Meanwhile Aborigines ask the question "How long before the next Coronation Hill?"

There are plenty of possibilities. Currently, Aborigines in Western Australia's Pilbara region are locked into disputes with mining companies wishing to set up bauxite and iron ore operations.

With their history of total disregard for the needs of Aboriginal communities, it is little wonder that mining companies encounter reluctance to negotiate. The memories of elders are still clear. They remain adamant that to retain Aboriginal land is to retain Aboriginal culture. Knowledge of that culture is regarded as an education – and necessity – for life.

The Northern Land Council, after negotiations with Coronation Hill's joint venturers eventually pulled back from discussions – telling the government they were sick of talking. Perhaps the move towards greater consultation has come too late – and still offers too little reward.

Most mining operations in Australia are located in remote, northern regions previously inhabited almost exclusively by Aborigines. Since the 1950s ("the second invasion") those companies have generally failed to adequately utilise willing local Aborigines as employees, preferring instead to recruit from other regions. Employment programs are limited. While it is true that some Aborigines may not have the educational requirements for some jobs in the mining industry (or even want them), attempts or offers to help them reach those standards in well-funded mining-town schools remain stilted.

Financial gains from compromise with mining companies (e.g., royalties) can be tempting for those who know poverty only too well. Such compromise in Australia is fraught with problems.

The decision on Coronation Hill came after a report by the Resources Assessment Commission. It concluded that mining activity would not affect the sensitive South Alligator River catchment area at Kakadu. But it would seriously offend the Jawoyn people's beliefs that the area is home to the mythical dreamtime creature "Bula".

Later, a consultant who acted for Newcrest Mining, John Moriarty, wrote for the Australian Bulletin magazine suggesting

Map of Australia

the Jawoyn people were not permitted to "engage independently in an effective negotiation process."

One Jawoyn man, Andy Andrews, wrote to Prime Minister Hawke stating: "My people want jobs and a future for our families. Jawoyn continue to support mining. Tell me what I am supposed to say to the 140 job applicants and our Jawoyn employees if the mine is stopped. Coronation Hill project gave these people hope and a chance to learn and work and have some dignity." The letter was accompanied by a petition of support for the mine, apparently signed by 92 Jawoyn people.

Such clear divisions have marked many of the negotiations between mining companies and Aborigines and can be extremely damaging to the latter.

During the Coronation Hill debate, the term "national interest" was often bandied about. A gold mine at Coronation Hill might have generated $82 million in Australia's economy each year.

While not considered particularly large many argued that if Coronation hill was halted on the basis of Aboriginal concerns, how many more mineral developments would suffer the same fate?

It is reasonable to surmise that public support for Aboriginal land rights has waned since the current recession really hit home. With the majority of Australians now "feeling the pinch," sympathy that existed before may have decreased.

But while Australia as a whole has only relatively recently been hit by recession, a large proportion of the aboriginal population has been dependent on welfare since the mid-1970s. Australia's current "unemployment" rate is approximately equivalent to the rate of "employed" Aborigines.

A major obstacle encountered when tackling land rights as a national issue is the lack of legislative uniformity. Attempts to establish national land rights laws were blocked after opposition from Western Australia (WA) and Queensland. Aborigines are particularly displeased with land rights policy in both of these states. In WA in 1986, the State Upper House defeated an Aboriginal land bill which would have allowed Aboriginal groups to claim only existing Aboriginal reserves, vacant crown land, and land originally granted to missions for their work with Aborigines.

The bill would not have allowed Aborigines control over mining operations on their land.

Since this time, the WA government has implemented a policy in relation to reserves, missions lands and pastoral excisions, concentrating on 99-year leases for Aboriginal groups.

Recently the Queensland Parliament passed legislation granting Aborigines freehold title over existing reserves but rejected a land acquisition fund and mining royalties and exempted urban areas from land claims.

Requests by the Federal Aboriginal Affairs Minister that the Queensland Government provide limited public funding for Aboriginal communities to buy freehold land on the open market have been refused.

Although the Federal Government stepped into the Queensland argument, this does not happen often. The Federal Government has the constitutional power to override state legislation in respect to Aborigines. However, many Aborigines consider the track record for appropriate intervention by this and preceding governments to be poor. ❑

2 IWGIA DOCUMENTS ON EAST TIMOR

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Joint Statement of the Australian Aboriginal Organizations:

Top End Aboriginal Coalition; Queensland Federation of Aboriginal Land Councils; Federation of Aboriginal Education Consultative Groups

Presented by Josie Crawshaw

Review of Developments

Thank you for the opportunity to address the Ninth Session of the Working Group on Indigenous Peoples on the agenda item of "Review of Developments".

On behalf of the Top End Aboriginal Coalition of the Northern Territory, the Queensland Federation of Aboriginal Land Councils and The Federation of Aboriginal Education Consultative Groups of New South Wales, I present the following joint statements.

Yeasterday we heard the Federal Minister Mr. Tickner present his Government's interpretation on their advancement in addressing Aboriginal and Torres Strait Islander rights to self-determination and self-management.

We would like to cite three recent developments that the Australian Government claim that Aboriginal self-determination is a reality or well advanced to becoming a reality.

The developments cover self-determination and self-management in the areas of land and resources; education and political status.

In May 1991 the Queensland Government passed The Aboriginal Land Bill. The Queensland government asserts that the Aboriginal Land Bill and I quote:

"...will provide a scheme under which Aboriginal people can secure title to certain categories of land and can excercise control over the use and management of that land according to Aboriginal tradition" end of quote.

(Minister for Family Services and Aboriginal and Islander Affairs second reading speech. Aboriginal Land Bill 1991 page 1)

The Queensland Federation of Land Councils rejects this assertion. It is our opinion that the Bill violates Aboriginal Law and is regarded by Aboriginals as a contrived act to destroy Aboriginal culture whilst ENSURING non-Aboriginal land rights are recognized.

The bill is also in direct contravention of the International Convention on Civil and Political Rights (Schedule 2 part 1 Article I 1,2,3), precluding the right of Aboriginal people to determine their *political status*; and to freely pursue *economic, social and cultural development.*

In addition the Bill mocks the recommendations of the Royal Commission into Aboriginal Deaths in Custody which **reported** that a legacy of dispossession of land excludes Aboriginal people from economic power; and also **recognised that** Aboriginal people need a land base from which we can begin to change our social and economic position.

Specific major concerns are:

Under the Bill; approximately 95% of trditional land cannot be claimed. This land contains sacred or significant sites and there is **no** statutory land acquisition program for loss of this land **nor** provision for compensation for destruction of our heritage.

Aboriginal people did not agree to the claims process which includes an embargo on lodging claims; and notice by gazetting to other interested parties of intended claims.

The land available for claim is decided by the Governor in Council and must be gazetted **vacant Crown land**; **National park** or **Aboriginal land** held under Deed of Grant in Trust.

The Minister has power to decide who the successful claimants are and the power to over-ride Appeals to the land claims Tribunal.

There are no existing or proposed Lands Councils. Instead, Ministerially appointed Trustees who are not necessarily traditional owners will administer the CONTROL, USE and MANAGEMENT of land.

The trustees can enter into land use agreements **without** the consent of owners and determine the period of those agreements.

Aboriginal owners do not have real ownership of natural resources on their land and this is evidenced by the lack of veto over mining and no capacity to negotiate royalties.

Hunting and gathering is only permitted on reserves thus excluding 95% of the Queensland Aboriginal population.

The cultural heritage of the Aboriginal people of Queensland is at risk under the Aboriginal and Torres Strait Islander Land Act

and we call on the Federal Government to exercise it's power to over-ride this legislation and echo the demand of our brother Mick Dodson that they not hide behind a cloak of Federalism.

The Aboriginal people of Queensland cannot rely on the Federal Minister's **hope** expressed yeasterday, *and I quote*

"that the Government of Queensland will use it's Aboriginal and Torres Strait Islander Acts as basis for further legislation."

The Aboriginal people of Queensland also call on the United Nation's to investigate this breach of the International Convention on Civil and Political Rights and

assist us to gain our economic, political, cultural and social freedom.

Madam Chairperson, I now wish to address the second point of my report. You may recall that last year I reported on the development of the Federal Government's new National Aboriginal Education Policy. A policy that the Federal Government promised would provide us with the means to be fully involved in the decision making and implimentation in order to remedy the appalling achievement levels of Aboriginal and Torres Strait Islander people.

I described our fears of the colonist education system that we have been subjected to. A system responsible for cultural genocide through the colonization of our minds. We claimed then that the policy would not redress the situation. To the contrary, it would accelerate the process.

I now report on the implimentation of that policy that sadly confirms that our fears were valid.

Firstly the AEP is clearly no more than a series of financial and administrative arrangements where by non Aboriginal and Torres Strait Islander bureaucrats at the Federal, State and Territory level are responsible for the implimentation of the policy.

The Federal Government established a National Aboriginal Employment, Education and Training Advisory Committee (NAEETC) however Aboriginal Education Consultative Groups are not represented and their involvement is by invitation only to two of the quarterly meetings at their own expense.

The process makes a mockery of Aboriginal community involvement in the decision making and implimentation of the Education Policy.

Although the Foreword to the Policy recognises that the education system has failed Aboriginal people; by neglecting to accomodate their cultural needs and circumstances.

The strategies and programs by and large have been written by non-Aboriginal bureaucrats and academics who have no understanding or experience of Aboriginal cultural differences and educational needs.

It makes no provision for independent community controlled Aboriginal education providers; especially Aboriginal schools.

The policy fails to adress the crucial area of Early Childhood Education sufficiently.

The Federal and State Ministers have absolute power of veto over all programs and planning.

The implementation of this policy is only a year old and yet we heard the Federal Minister state in his address yeasterday that Aboriginal disadvantage and aspirations in education are going to be reconciled through yet another process- the Process of Reconciliation.

We question the validity of the Federal Government's stated commitment to advancing the plight of our people in the area of education.

We are not fooled by the words and programs designed to present a smoke screen to disguise the real agenda of assimilation/integration. Which leads me onto my final point and the most recent development in our country- the Council for Aboriginal Reconciliation.

The Top End Aboriginal Coalition reserves their position at this stage on the Reconciliation process and it's implimentation except to say we share the scepticism expressed by our sister Helen Corbett from the Committee to Defend Black Rights. This scepticism is based on our early analysis of the Australian Government initiative that purports to transform relations between Aboriginal and non-Aboriginal people in Australia.

Firstly, we are of the opinion that if the Government intends to pursue the public awareness and education campaign it will be focusing on the wrong issues.

Until the non-indigenous society is prepared to examine their ethnocentricism; change their colonist practices; accept they are the root cause of our society's degradation; we cannot agree that any reconciliation is possible.

Secondly, we question the need to establish the Council for Aboriginal Reconciliation; when the Government already has in place National policies and programs they claim have been designed to address social and economic injustices. Policies such as the:

Aboriginal Employment Development Policy (1988)

National Aboriginal Education Policy (1990)

National Aboriginal Health Strategy (1991)

Thirdly, we are of the view that acceptance by all political parties has been achieved because of the 10 year time frame. That is; if public support for the process is not forthcoming parties can disassociate themselves and the idea of a Reconciliation will be dropped.

Madame Chairperson, we have referred to the Council of Aboriginal Reconciliation as the CAR. The CAR with the registration number 2001. We ask can we trust the car dealer? Is it a new CAR? Or are we being sold a lemon? Is it like the CAR that drove the Makarratta and the Treaty- where the engine stopped and the wheels fell off?

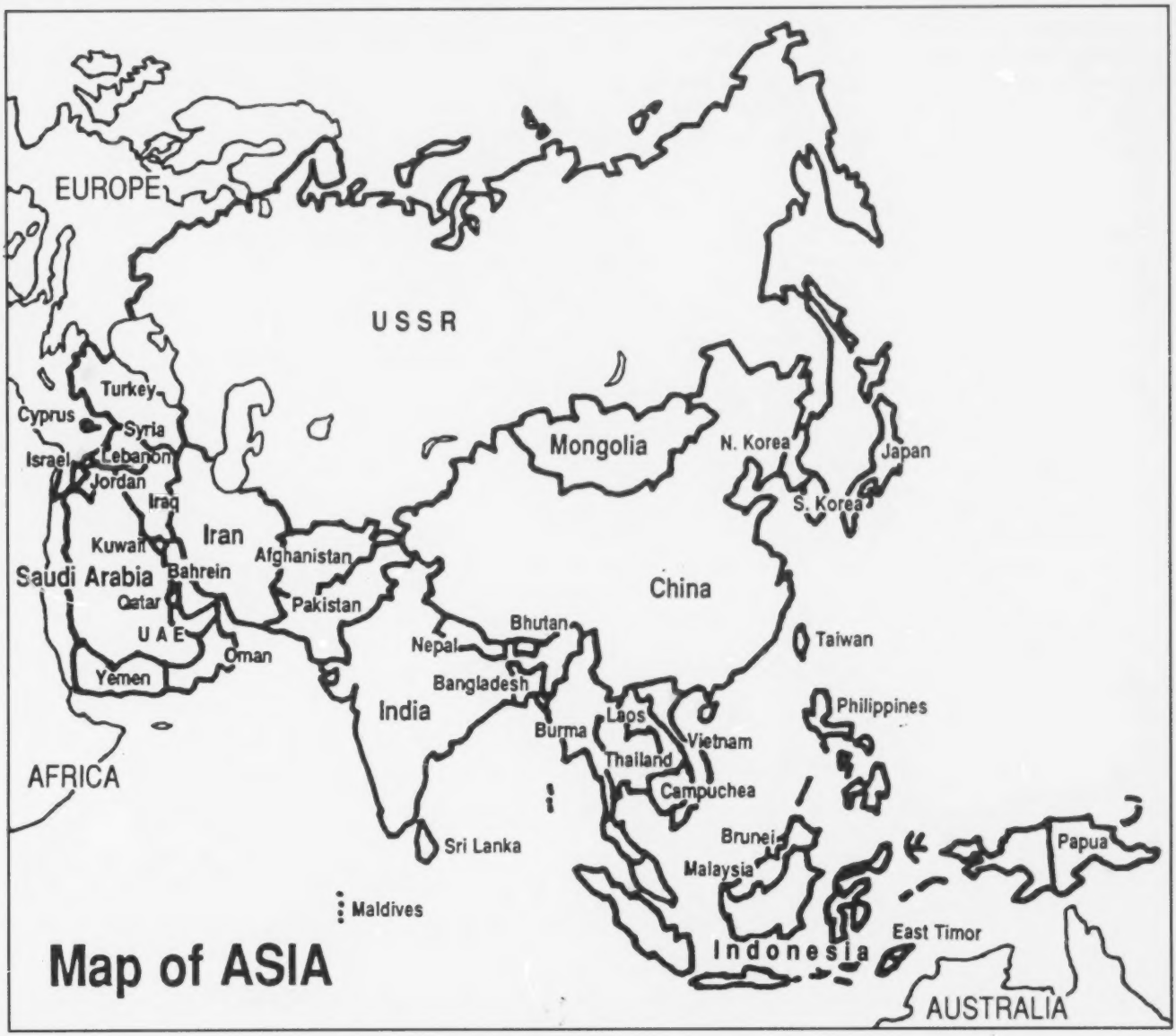
In conclusion Madame Chairperson, we believe that we have demonstrated that selfdetermination and self-management is not yet a reality for us in our country. It is why we are rigourously pursuing a Declaration that strongly addresses up front the principle of the right to self-determination for indigenous people.

We are confident Madame Chairperson, that under your expert guidance the Working Group will fulfill our aspirations. Thank you. ❑

Declaration of the Asian Delegation

Madame Chairperson, distinguished members of the working group and my brothers and sisters:

On behalf of the indigenous, tribal and aboriginal peoples of Asia, allow me to submit our common statement. We value the sessions of the working group for indigenous populations under your most efficient chairmanship and we seek your continued support, and that of the working group, in our struggle for justice, and against discrimination and genocide.



First and foremost, we want to bring to your attention the denial by some Asian governments of the existence of indigenous peoples in our part of the world. This denial presents a significant obstacle to the participation of many indigenous peoples from our region in the Working Group's deliberations. The denial also seeks to withhold the benefits of the declaration from the indigenous, tribal, and aboriginal peoples of Asia. We hereby urgently request that peoples who are denied the rights to govern themselves, and are called tribal, and/or aboriginal in our region, be recognized, for the purpose of this declaration, and in accordance with I.L.O. practice, as equivalent to indigenous peoples. The right to govern themselves be recognized for indigenous peoples.

Secondly, we want to draw your attention to the fact that governments and many development agencies in our region are continuing to exert every effort to assimiliate our peoples into alien cultures and value systems. In the process, they are forcing us to learn and speak alien languages, and to violate our distinct identities and cultures. In addition, development programmes that affect our people do not benefit us. In the name of development, these outside parties construct roads, cut trees, build dams, mine our lands, ravage our forests, and displace our peoples. We demand that development programmes for indigenous peoples in Asia be administered only with their full, free and informed consent and participation.

Madame Chairperson, we, the indigenous and tribal peoples of Asia, welcome the proposal to have a forthcoming session of the working group in Manila, Philippines.

We believe that a session of the working group in Asia will greatly facilitate the constructive participation of the indigenous peoples of the region in the drafting of the declaration of the rights of indigenous peoples. Asia is the home of a large number of indigenous and tribal peoples, and our participation in the work of the working group is crucial since our problems are very serious and implicate millions of us.

We believe, Madame Chairperson, that need, not cost, should dictate the location of forthcoming sessions of the working group.

We appeal to the working group:

1. To recognize the existence of indigenous and tribal peoples in Asia, and to safeguard our fundamental rights to land and to life.
2. To support our struggle for our land rights, and for our self determination regarding our political status, and cultural and economic development.
3. To help us monitor the human rights situation in our territories and states, by sending, for example, fact finding missions to investigate and report on alleged violations.
4. To make available, along with other U.N. agencies like the I.L.O., opportunities for Asian indigenous and tribal peoples to learn about and analyse the implications of the declaration of rights of indigenous peoples, other relevant international instruments, and the U.N. process which generates them.

Thank you Madame Chairperson

Signatories:
Representatives from:
West Papauan Peoples' Front
Karen National Union
Jumma Network in Europe
Indian Council of Indigenous and Tribal Peoples
Alliance of Taiwan Aborigines
National Federation of Indigenous Peoples of the Philippines (KAMP)
Lumad-Mindanao
Cordillea Peoples Alliance
The Ainu Association of Hokkaido
Asia Indigenous Peoples Pact
Naga Peoples Movement for Human Rights
Homeland Mission 1950 for South Moluccas
Hmong People

INDIGENOUS PEOPLES OF THE SOVIET NORTH

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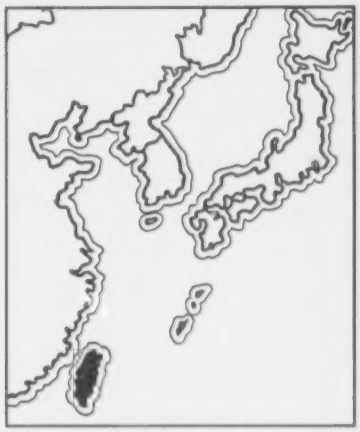
Report on the Human Rights Situation of Taiwan's Indigenous Peoples



Taiwan, East Asia

Submitted by :
Alliance of Taiwan Aborigines, I Chiang, Lava Kau

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I. Demographic Profile and Distribution of Taiwan's Indigenous Peoples

Taiwan's total area is 35,981 km²: 394 km in lenght and 144 km in width. Surrounded by the Pacific Ocean, its neighbours are China to the west, the Philippines to the south, and Japan to the north.

Evidence from historical sites left by Taiwan's indigenous peoples testifies to a history of at least five thousand years. Before the Han people from China invaded Taiwan in 1624, communities of indigenous peoples were to be found throughout the island. Apart from the Pinpu, who lived on the Western plains and who have been entirely assimilated by the Han people- the indigenous peoples who still maintain some degree of their traditional culture lived largely in the mountains and on the Eastern plains of Taiwan. The Pinpu, according to early anthropological studies, ca be divided into nine groups: Kavalan, Luilang, Taokas, Pazehe, Papora, Bobuza, Hoanya, Siraja and Ketagalan. Eleven indigenous tribes are in existence in Taiwan today, but the Han Anthropologists of Taiwan recognize only nine tribes. According to the official estimate, there were 337,342 indigenous people in Taiwan in 1989, and the breakdown by tribes shows: 129,220 Amis; 78,957 Taya; 60,434 Paiwan; 38,267 Bunun; 8,132 Puyuma; 8,007 Rukai; 4,194 Saisiat; 5,797 Tsou; and 4,335 Yami people. In addition, Taiwan anthropologists classify the Taroko people, numbering around 30,000 as Taya. Moreover, the anthropologists discount the 248 Thao people as "too few" and classify them as assimilated; the Thao people themselves, however, still identify with their own culture and ethnicity to this very day.

The overall population of Taiwan is approximately 20 million; the indigenous peoples represent 1.7% of the total population. The Han people who immigrated before 1950 were primarily Minan and Hakka people from Fuchien and Kwangtung Provinces in China. After 400 years of intermarriage with Pinpu and other indigenous peoples, many Han people have come to think of themselves as Taiwanese. The Han people who arrived after 1950 are primarily soldiers who fought for the Nationalist regime, which was defeated by the Chinese Communists during the 1949 Revolution.

II. The History of Taiwan's Colonization

Before 1620, only indigenous peoples occupied Taiwan. What follows is a summary of the colonial governments that have ruled Taiwan from 1624 to 1991.

A. The Dutch and Spanish Colonial Period (1624 – 1661)

While the Han Chinese who lived along the Chinese coast had already made contact with Taiwan in the 13th century, those early contacts were sporadic, isolated, temporary, unplanned, and undertaken without government participation. They did not, therefore, constitute a decisive force of oppression; the indigenous people were still the sole masters of the island of Taiwan. In 1624 and 1626, respectively,

Holland and Spain invaded Taiwan with government-backed forces. They sought to subjugate the indigenous peoples with their superior material power and their fervor of religious indoctrination. During this time, some of the Pinpu people lost their autonomy, but the vast majority of other indigenous communities remained unaffected.

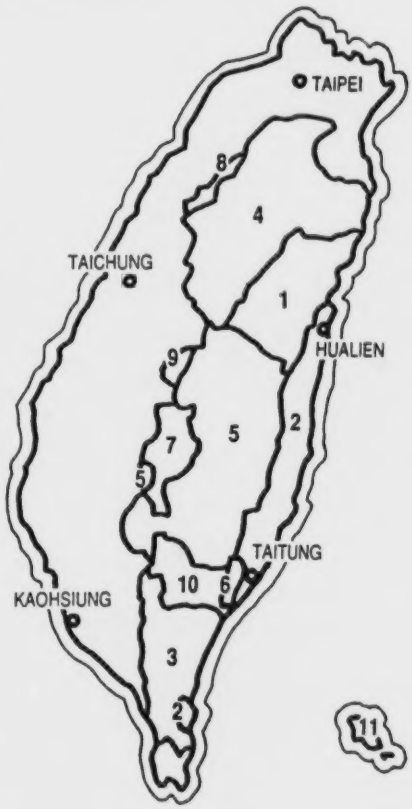
B. The Cheng Rule and the Manchu Colonial Period (1661 – 1895)

The son of a pirate, Cheng Chen-kong waged war against the Dutch in a struggle to lay claim to Taiwan, and his subsequent victory ensured his position as colonizer. At the same time, the Chinese rulers were non-Han Manchus, another ethnic minority within China. During Cheng's rule, his forces occupied the Western plains of Taiwan and a small part of the mountainous areas. Attempting to protect their land and tribal territorial lines, the indigenous peoples had countless conflicts with the Han, who were gradually invading the territory of the indigenous peoples and assimilating them. In 1885, without obtaining the consent of the people of Taiwan, the Manchu regime annexed Taiwan. This period witnessed the first massive influx of Han People, who took control of Taiwan's natural resources and land. However, even in 1895, the mountains and the Eastern plains were still under the effective control of the indigenous peoples

C. The Japanese Colonial Period (1895 - 1945)

In 1895, the Manchu government lost the Sino-Japanese War and signed the Treaty of Shimonoseki, ceding Taiwan to Japan. The Japanese government began to exploit Taiwan's economic resources through a systematic, capitalistic style of management; it was during this period that the subsistence lifestyle of the indigenous peoples began to crumble. In order to obtain control over Taiwan's forests, mineral resources, water, and tourism potential, the Japanese rulers contained the indigenous peoples in "Mountain Reservations," thus slashing the traditional territory of 2,000,000 hectares down to 24,000 hectares, to which the indigenous peoples had only utilization rights but could not claim permanent possesion. In order to squash resistance from the indigenous peoples, the Japanese colonial government launched a large number of massacres. During the "Five-Year Expedition" between 1910 and 1914, 10,000 Taroko people were massacred. In the Wushe Rebellion in 1930, the Japanese attacked six Taya villages with airplanes, cannons, machine guns, and chemical weapons, and massacred all the men, women, and children of the villages. In order to assimilate the indigenous peoples, the Japanese government encouraged the indigenous peoples to use Japanese names, and forced the children to speak Japanese under their cumpulsory elementary school program. It was during this period that the traditional political, economic, cultural, and social systems of the indigenous peoples began to collapse.

Indigenous Peoples of Taiwan



1	Taroko	30.000
2	Amis	129.220
3	Paiwan	60.434
4	Tayal	48.957
5	Bunun	38.267
6	Puyama	8.132
7	Tsou	5.797
8	Saisiat	4.194
9	Thao	248
10	Rukai	8.007
11	yami	4.335
Total Population		337.342

D. The Nationalist (KMT) Colonial Period (1949 – present)

After its defeat in World War II, Japan accepted the San Francisco Treaty and its stipulation that Japan renounce its right to "Formosa and the Pescadores" on Sept. 8, 1951, ending 50 years of colonial occupation in 1949, the Nationalist (KMT) militarist regime, after its defeat by the Communist government, fled to Taiwan. In order to consolidate its rule, the Nationalist government massacred thousands of indigenous, Minan, and Hakka intellectuals in the early 1950s and imposed martial law, which was not lifted until 1987. In its policies toward the indigenous peoples, the KMT is the direct heir of its totalitarian and colonial Japanese predecessor, and indeed surpasses the latter in planning and implementing its policies. More discussion will be devoted to this subject in the next section.

After this short introduction to the history of Taiwan's colonial governments, and before proceeding, we, as members of Taiwan's indigenous peoples, have the obligation to inform the governments and indigenous peoples representatives who are attending this United Nations conference, as well as members of the United Nations, of the fact that, as the government of the People's Republic of China (PRC) has never ruled Taiwan, Taiwan belongs to the 20 million of the island-Taiwan does not belong to China.

III. The Current Human Rights Situation of the Indigenous Peoples in Taiwan

The government that rules Taiwan today is named the "Republic of China," known as the KMT regime by both indigenous activists and the opposition party. Ever since its exile in 1949, the KMT has always advocated the military "recovery" of mainland China; the proposal of unification between Taiwan and China by peaceful negotiation is a recent development.

Decades of this goal of "recovering China" on the part of the ruling government of Taiwan has meant, then, an attitude of "passing through" toward both the people and the natural environment of Taiwan. At the same time, the PRC government has always maintained that Taiwan is Chinese territory, periodically seeking to intimidate the Taiwanese people with slogans such as "solving the Taiwan problem with force." On the other hand, the biggest opposition party in Taiwan, the Democratic Progressive Party, advocates Taiwanese independence. Taiwan's indigenous peoples, carrying on their struggle for survival, are caught in the middle of a political environment where the contenders differ in political perspective but share the same Han ethnicity.

According to the United Nations Declaration of Human Rights, no people can be denied their human rights on the basis of race and ethnicity. However, the crisis in basic human rights that the indigenous peoples have to confront in Taiwan today is different from that of the Han people. Not only do the indigenous peoples have to suffer the same oppression as the Han people, but we must also bear the persecution of the indigenous policies and Han cultural chauvinism of the present government. In other words, the deprivation of our human rights is twofold- we believe that this scheme is a familiar one for the indigenous peoples all over the world.

An exploration and assessment of the human rights situation of the Taiwanese indigenous peoples should not be undertaken by simply examining the greater context of the Taiwanese people's human rights situation; such an assessment must also take into account the inferior position to which indigenous peoples have been relegated, based on the cultural differencies and economic development of their communities. The first aspect of such an assessment is already addressed in the Report on Taiwan's Current Human Rights Situation. The account which follows is grounded in the perspective of Taiwan's indigenous minorities. We sincerely hope that it will facilitate the world community's understanding of the human rights situation of Taiwan today:

A. Human Rights and KMT Policies

The KMT Constitution, implemented in 1947, was legislated in China and is therefore unsuitable for Taiwan. It contains no laws that directly describe or protect the rights of Taiwan's indigenous peoples; therefore, we have no right to self-determination and no collective rights as a group. While the KMT government was a co-signer of the Convention Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries passed by the International Labor Organization of the UN, it has not abided by the regulations of that agreement. The basic policy of the KMT government toward the indigenous peoples is one of artificial assimilation, aiming at the complete effacement of the indigenous peoples' consciousness of their own history, culture and language. The first "Summary of Policies Toward the Mountain Brothers," issued in 1951 already stated clearly that all provisions pertaining to indigenous peoples were to be temporary and were to be gradually abolished. The formulation of basic policy from this point on has been based upon this insistence. Taiwan's government does not recognize the ethnic status of the tribes and our historical position in Taiwan; it has deprived us of our traditional right to the land and our traditional territorial sovereignty.

B. Political Rights

Taiwan's government has deprived the indigenous peoples of our political, cultural, economic, educational, and social autonomy. In terms of political participation, it has designed a system of "protective quotas," symbolically handing the indigenous peoples a few seats in Taiwan's legislative bodies. In the parliament, where the majority rules, the rights and welfare of the indigenous peoples are completely at the mercy of the Han majority, a fact which renders our quotas little more than political ornament. Indeed, as the Taiwanese people did not have the right to form a political party before 1988, the KMT has enjoyed decades of one-party rule among the indigenous people, a monopoly which it has maintained to this very day. Party intervention in the areas of predominantly indigenous population is highly organized and pervasive; elections at all levels always yield results that conform to the will of the Party. The parliament can give no real expression to the will of the indigenous peoples. In a word, the rights of political participation for the indigenous peoples are manipulated by the KMT regime in specific and the Han people in general.

On April 2, 1991, Taiwan's indigenous peoples put forth our demand for autonomy as an organized group. The official answer was, however, that an autonomous region for the indigenous peoples is out of question. The administrative sector responsible for handling indigenous affairs is subordinated to the larger administrative bureaucracy. In the central government, this sector is represented with a third-level office- the Mountainous Regions Desk- under the Human Affairs Division of the Ministry of Internal Affairs, employing a total of three people and budgeted with US$ 12 million annually. At the provincial level, there is also a third level office (expanded only in 1990), the Office for the Mountainous Regions, a subdivision of the Human Affairs Bureau. With twenty workers and headed by a person of Han descent, this office is responsible for formulating most of the policies concerning indigenous peoples. It is unreasonable to expect a Han executive to be able to transcend the values and interests of his own ethnic group; he is certainly unable to solve the indigenous people's problems and promote their interests in ways that are grounded in their perspective and compatible with their values- and yet he is entrusted with overlooking indigenous peoples' affairs. The same principle of personnel choice is to be found everywhere else in the bureaucracy. While each local government in areas of predominantly indigenous population has an Office of Mountainous Areas, the office head is almost always Han. The political unit that is most directly relevant to the indigenous peoples is the so-called "mountainous county," of which there are thirty. At first glance, it may appear that the counties can be taken as burgeoning forms of indigenous autonomy, as the KMT government ordains that the county head must be chosen through local elections. However, in reality the county heads have virtually no executive power, not to mention that candidates other than KMT nominees have little chance of winning; consequently most indigenous people who are elected are funded by the local Han and/or involved in a local Han patronage system. Even those who are elected with the genu-

ine support of the indigenous population find their powers curbed by the chairpersons of the County Representative Committee who are, again, overwhelmingly Han. Therefore, Taiwan's political system is entirely under the control of the KMT and the Han people; indigenous peoples have absolutely no voice, let alone autonomy, in such a political system.

C. Legal Rights

Historically, Taiwan's colonial governments have found it most expedient to subjugate the island's indigenous population with direct physical force; treaties and agreements have been virtually absent from the colonial relationship. However, when indigenous peoples have asserted their original rights, colonial governments have always been quick to negate these rights with the laws that they themselves have created. To this day, indigenous peoples have no legal status; whatever protection our rights may enjoy, have all been issued in the form of executive orders. As this process is not subject to the scrutiny of the parliament, it is never exempt from frequent and ill-considered revisions. At the same time, the attacks on indigenous peoples' rights are also launched in the form of executive orders. Many laws claim to protect the interests of indigenous peoples when, in reality, they are wielded to destroy the indigenous peoples as ethnic groups and take away our rights.

A national census that includes an accurate ethnicity count is, needless to say, of the utmost importance to the indigenous peoples; not only it is crucial to our very survival as a group, but the population count is also crucial in determining the political strenght of a group in a certain locale. Such an important and fundamental human right, however, has only been delineated and protected by a provincial executive order in Taiwan whose main purpose is to assimilate the indigenous peoples. The "Identification Standards for the Mountain Natives of the Taiwan Province" divides indigenous peoples into "mountain brothers of the mountainous areas" and "mountain brothers of the plains," representing a flat refusal to recognize us as the indigenous peoples of Taiwan. The former term refers to those who were registered in the mountain areas during the Japanese rule, who number about 182,718, while the latter term refers to those who were registered in the plains during Japanese rule, who number 155,938. The laws that call for a national ethnicity count are fraught with contradictions and injustice for Taiwan's indigenous peoples. Upon marriage with a Han man, an indigenous woman loses her legal ethnic identity automatically. On the other hand, a Han woman who marries an indigenous man remains Han legally. In a matrilocal marriage where the husband is Han and the wife indigenous, the woman retains her ethnic identity and so does the man. However, if an indigenous man were to enter into a matrilocal marriage with a Han woman, he would automatically become Han. More absurd than anything else, perhaps, is the fact than an indigenous person can legally discard his or her own ethnic identity, but can never reclaim it. In addition, there are many other discriminatory and unjust regulations in the "Identification Standards" - this executive order is an important factor in the failure of the indigenous populations to grow at a normal rate.

Representatives from Alliance of Taiwan Aborigines, Geneva 1991.
Photo: Jens Dahl

Also, the executive order, "Regulations Regarding the Development and Management of the Reservations of Mountain Brothers in Taiwan Province," seems to provide important protection of the land ownership rights of the indigenous peoples. However, this order has proven in practice rather to affirm our loss of these rights. It declares the nationalization of our traditional territories, hunting grounds and ritual sites. The order declares the privatization of land already inhabited by individuals, but this privatization entails only rights of use and not rights of ownership- ownership management belongs to the government. Even more outrageously, this order grants any Han person who chooses to take residence in the areas of the indigenous peoples 0.03 hectare of land for construction. Both public and private industries as well as individuals can obtain the rights to develop the mineral, quarry, industrial or tourism resources located in mountain reservations if they follow the specified procedures. What this means in practise is that all the land with development potential has already been wolfed up by either the government or by Han capitalists. In 1987, the KMT government lifted martial law, and put in its place the "National Security Law," which continues to impose many restrictions upon the mountain areas inhabited by indigenous peoples. In other words, martial law continues to rule these areas. Nothing illustrates the pervasive ignorance and oppression prevalent in this legal system more accurately than the complete absence of any multicultural consideration in Han law. All the laws of Taiwan are legislated according to the values of the Han people. The common laws of the indigenous peoples are neither incorporated

into nor acknowledged by the laws of this land. The legal system, then, only serves the Han people at the expense of the indigenous peoples.

D. Land Ownership and Economic Rights

With a total area of only 35,981 square km and a population of 20 million, Taiwan is a country of staggering population density. Land is, threfore, one of the most precious and coveted resources in Taiwan. History reveals generations of colonial governments and immigrants who obtained land by means of force; almost no contractual arrangement or effort at obtaining the consent of the indigenous people was ever made. Even when such arrangements did take place, they inevitably were couched in a language foreign to the indigenous peoples and designed to deceive and swindle. After their ancestral lands were appropriated as national property, the indigenous peoples lost their claim to the very land on which their private homes were built. In recent years, under the current government's policy of massive development of the areas in question, demand and exploitation has occurred on several fronts: forested land has been assigned to the management of the Bureau of Forestry, land with mining potential has been claimed as national property; areas noted for their natural beauty and tourism potential have been designated national parks; and the Ministry of Defense has appropriated vast tracts of land from the indigenous peoples under the pretext of national security. The last pieces of land upon which the aborigines rely for their survival have been taken away, and their consent was never sought in the process. In order to build national parks, industrial zones, and reservoirs, the government forcibly relocated aborigine tribes such as Fu-shih Village of Shou-lin County, Hua-lian, in the case of the Tai Lu-ke National Park; Mei-shan Village of Tao-yuan County, Kaohsiung, in the case of the Yu-shan National Park; the ancestral graves of the Bunun tribe in Tong-pu Village, Shin-yi County, Nanto; the villages within the Hoping cement industrial district in Shou-lin County, Hua-lien; and the Hao-cha Village in Wu-tai County, Pin-tung, in the case of the Wu-tai Reservoir; to name only a few. After government policy is formulated, the indigenous people involved have absolutely no channel through which to express their opinion, indeed lacking the very right to do so. There has been some monetary remuneration, but the amount is negligible in view of the losses sustained. In addition, land belonging to indigenous peoples was awarded to army veterans who came over from China after 1950, while other plots were designated university property. The KMT's local organizations, such as the People's Service Station in each county and the activity center of the National Salvation Group, all occupy land that belongs to indigenous people. In a word, virtually all land with development value has been occupied and exploited.

Traditionally, indigenous societies have thrived upon subsistence economies, where each tribe makes its livelihood as dictated by its geographical environment. However, under laws that were legislated in accordance with the Chinese value system, all hunting, fishing, lumbering, and agricultural activities undertaken by indigenous peoples on their own ancestral lands are now strictly forbidden. Every year indigenous peoples from various parts of the island, uninformed of or unable to obey these laws, are punished legally and often must serve 2–3 years prison sentences. Deprived of their resouces and lands, indigenous peoples can no longer eke out a living in their traditional tribal villages. Large numbers of those who are capable of physical labor have flowed toward the industrial towns and cities to become laborers.

According to the official statistics in 1989, 48.8% of the indigenous people are agricultural workers, while the rest work in non-agricultural professions. In reality, however, the majority of peasants go to neighboring cities to take temporary jobs requiring intense physical labor during the off-season, as the income from their land can no longer support a household. According to a 1986 survey, the annual income of indigenous peasants is 54.3% that of Han peasants. At that time, the agricultural income of indigenous peasants was US$1,457, their non-agricultural income was US$2,478, total income amounting to US$3,935. The average agricultural and non-agricultural incomes of Han peasants, on the other hand, were $2,638 and $4,607, respectively, yielding a total of $7,935.

The vast majority of the indigenous peoples who become city-dwellers enter labor-intensive jobs that require little or no technical training and tend to be low in both status and pay. The men are primarily workers in wood and steel manufacturing, truck drivers, miners, and deep-sea fishermen, while most women become electronics and textile workers. These industries are among the most labor-exploitative industries in Taiwan. Many indigenous workers frequently find that their pay is withheld without reason. They have neither labor insurance nor a pension, and are constantly threatened by unemployment. Taiwan's international image may be that of an economically prosperous and wealthy nation, boasting foreign exchange reserves of US$80 billion dollars and an annual individual income of US$8,000. However, these figures are, as far as "ipare" concerned , legerdemain figures that have little meaning. Indeed, Taiwan's economic development has been attained at the expense of the right of workers and of the environment; the wealth is concentrated in the hands of a few capitalists, and the gap between rich and poor is very wide.

Most urban aborigines live in illegal constructions or construction site shacks; an indigenous person cannot afford to buy a house of his/her own with their life savings. According to data from 1983, more than 35% of the aborigines are at least NT$80,000, or US$3,000, in debt, and the main reasons for this debt are fast rising living standards and illness. The individual annual income surveys conducted by the Taiwan government each year never isolates the income of indigenous people, which means that the official statistics entirely fail to describe the economic situation of the aborigines. In the meantime, both the international and the Taiwanese community, including the indigenous community itself, continue to be deceived by the high income figures produced by the Taiwanese government.

E. Cultural and Educational Rights

In 1945, the KMT regime issued "Regulations Regarding the Recovery of Ancestral Names," under which all Han people can discard the Japanese names imposed upon them by the colonial regime and reclaim their family lines. However, not only were the indigenous peoples unable to reclaim their ancestral names, but under the assimilationist policy of the Taiwan

government, they were denied even the right to register their citizen identification with their traditional names. The family organization of each indigenous people, once perfectly described by our traditional system of names, has completely disappeared. This has resulted in both differences between family names within a lineage and differences between lateral relations. This confusion in familial names leads to a corresponding chaos in familial relations; tragic incest cases constantly occur.

The KMT shows equal disregard for the cultural sites of the indigenous peoples. For example, the designated site for the new train station in Tai-tung happens to be a thousand-year-old historical site, while the sewage processing plant currently under construction in Taipei will lead to the irreversible devastation of the two-thousand-year-old Pinpu site of She-san. The cultural Gardens of the Indigenous Peoples, designed as a Museum, is being built and managed by the KMT government. It is being built upon land bought at a price far below market value from the local indigenous population, and its commercial attraction is to put existing indigenous cultures on display for tourist consumption.

For the last forty years, children have been forbidden to speak their own language in the schools, let alone learn that language as part of their education. All the textbooks for elementary and middle schools are homogenized and edited by the government, and thus are devoid of any references to the culture, history and ethnic consciousness of the indigenous peoples. Only 0.3% of the indigenous peoples had received a college education in 1989, while 5.8% of the Han population already had college degrees in 1978. Part of this discrepancy may be contributed to the fact that the qualifications of teachers in the mountainous areas are on average lower than teachers in other districts, not to mention that the facilities are far below average as well. All in all, the educational system systematically discriminates against the children of the indigenous people.

F. Social Rights

In 1978, the government, in a blatant deception of the Yami people of the island of Lan-yu, announced the construction of a military harbor and widely publicized the employment opportunities such a project would bring. The unsuspecting Amis joined the construction project willingly, only to find out after its completion that the project was actually a nuclear waste dump. Currently Taiwan has three nuclear plants- the construction of a fourth one is pending- and all of Taiwan's nuclear waste is dumped on Lan-yu. Since this site has reached full capacity, the government is now planning expansion of the site. The Yami however, are putting up stiff opposition, and the conflict is still unresolved. Without garnering the benefits of nuclear power, the Yami are yet tricked into shouldering the immense risk of a nuclear disaster- this is a classic case of racial discrimination and deserves international censure.

Another example of social discrimination can be found in the housing problems that urban indigenous peoples confront. While Taipei has tens of thousands of illegally constructed buildings, the government very rarely enforces construction codes. However, when indigenous peoples put up temporary housing on government-owned lots or alongside rivers, the government frequently sends out bulldozers. No corresponding interest was ever taken in the housing problems of the indigenous peoples. Due to the need to move frequently, many school-age children could not receive formal education on a stable basis.

Last of all, a significant portion of indigenous girls and young women have absolutely no human rights whatsoever. Bought and sold as child prostitutes, they are in every sense the victims of an established system of slavery with which the entire Han society is complicitous. Aged from 9 to 18, these girls are estimated to account for 20% of the child and adolescent prostitutes in Taiwan, a prosperous market that is part of the vast and ubiquitous Taiwan industry which thrives upon the sexual exploitation of women. Given hormonal shots, beaten, tortured, and repeatedly raped on a daily basis, these girls live entirely outside modern society and the rudiments of human rights by which such a society supposedly defines itself. The very survival of our ethnic groups is jeopardized as the daughters and future mothers of our race are reduced to commodities and denied their very right to existence as human beings.

IV Our Expectations of the United Nations

Even though Taiwan is currently not a member of the United Nations, the indigenous peoples are part of the world community. This report is aimed at providing the governments and the indigenous peoples of the world a preliminary understanding of the human rights situation of the indigenous peoples in Taiwan. This is the first time Taiwan's indigenous peoples have had the chance to report the human rights problems we confront. We have always taken a deep interest in the human rights of indigenous peoples all around the world, and we hope that this interest will prove mutual. We also sincerely hope that the United Nations and other concerned international organizations will scrutinize the human rights of Taiwan's indigenous peoples based on the principles of international justice that you uphold. All the indigenous peoples of Taiwan, including our organization, Alliance of Taiwan Aborigines, will welcome you with all our heart if you can come to Taiwan to obtain first-hand understanding of our situation. Last of all, we are very happy to have the opportunity to participate in the discussion of the draft of the International Human Rights Declaration of Indigenous Peoples, as this is a document long overdue. We look forward to its completion and hope that it will offer indigenous peoples all over the world substantial protection of our human rights. ❑

The Indigenous Peoples Question in Africa

With Specific Reference to Tanzania

By Moringe Parkipuny

Tanzania, East Africa

Introduction

Madam Chairperson,
Sisters and Brothers,
I bring from Africa greetings of solidarity to all, you gathered here and those at home who are with us in the agonies of Mother Earth and Indigenous peoples. Agonies which are one of the manifestations of the disgracefull and disastrous injustice endangering life in this modern global dominion. You may recall that in the year 1989 two representatives of Africa Indigenous Minority Peoples attended for the first time this forum. This is our second participation. We have learnt from your dear sisters and brothers that irrespective of the enormous dimensions of the physical and propaganda machinery of our oppressors that have impaired our unity, we are indeed one extended family with a shared plight, a unified value system, and a deeprooted determination to restore to humanity, the sanity of respecting Mother Earth and the fundamental human right to cultural diversity. Joining you in 1989 has provoked the question of whether our peoples back home have a valid identity with the global extended family of indigenous peoples. We appeal to you now to bear with us as we take your time and solicit your attention to answers to this question.

1. The Colonial Roots of Marginalization

In the 1880's, European partition carved up Africa into a haphazard assortment of 48 possesions in total disregard of socio-ecological boundaries and economic viability of the territories. Borders were fixed so arbitrarily that many nationalities were sliced into several European domains. For example, Maasailand and its people were split between Germany and Britain, into three fragments assigned to the colonial states of Tanganyika, Kenya and Uganda. Secondly, these colonial creations were set up without consulting the peoples of the continent.

Indigenous African institutions at the core of peoples' self-determination were labelled primitive and rigorously attacked with the objective of total destruction, to enable the conquerors to impose their own systems.

The 1960's, the decade in which most colonies in Africa attained independence, promised great hope that the restoration of the dignity of the peoples of this continent was imminent. However, the leadership of the new states, their territorial parcels which were drawn in Europe, were determined to hold on to them without altering an inch, as if these were sacrosanct entities. Indeed one of first undertakings of the African post-colonial states founding leaders was to sanctify, in the Organization of African States, the arbitrary boundaries inherited from the era of European colonialism. It deserves to be emphasised that the highly esteemed founding fathers of independence did not consult their peoples before taking such a profound decision. Secondly the economic structures and relationships put in place in the colonial era were inherited, with only cosmetic modifications if any at all. Thirdly the malady of nationalities split by artificial boundaries drawn in Europe was retained intact. Fourthly despite, or more precisely, in view of the strength of cultural diversity in ways of living, languages, history and the identity of nationalities under their jurisdiction, the new regimes took a regimental approach to the fundamental need to foster national unity. Yet that ideal can be better realized through a process that ensures a fair deal for all.

The assault launched in the colonial period to destroy African indigenous institutions of social organization, self-determination and cultural identity was inherited by the independent states and in fact intensified, no longer in the name of empire, but of fostering national unity. African regimes rather than reacting soberly and beginning a dialogue with the citizenry, to forge remedies to the ailments, predictably produced by the malformed birth of the neo-colonial nation state with its inherent injustice, have adamantly dismissed even the most fundamental and clearly legitimate demands, as mere backward aberrations inspired by tribalistic and anti-patriotic sentiment. Needless to state that was in substance the position taken by the colonial regimes, which perceived African aspirations to self-determination, to asserting its fundamental human rights, as agitations of peoples still in the age of primitive human civilization to disrupt the law and orderly administration.

The path taken by African leaders to build nation states through attempting to obliterate cultural diversity has proven in the short post-colonial period an outright

Maasai dancers from Usangu, southwestern Tanzania. Photo: Jens Dahl

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disaster. The essential task of nation state building has in consequence suffered across the continent and fallen into a quagmire of boundary disputes and endless wars of nationalities asserting their right to cultural existence. That has in turn led to divertion of scarce resources from improvement of peoples living conditions and national progress to sophisticated weaponry and even larger numbers of citizens in arms. This human tragedy of man, exercabated by famine and mass suffering have been the consequent lot of African peoples, in their millions. The basic material needs and human rights of citizens have persistently been given secondary attention as the mishap of destruction has been accorded priority. The basic human right to cultural identity is held in ridicule and depicted as an intolerable aberration, incompatible with the cardinal goal of constructing united nation states. African peoples outside of the mainstream society are therefore rendered politically powerless as their fundamental freedoms and basic rights are violated with impunity through discrimination, prejudice, exclusion from managing changes that affect their livelihood in the name of national unity and progress.

Tanzania is reckoned to have been successful relative to other African countries in fostering the sense of national identity and unity. Tanganyika and Zanzibar won independence from Britain in 1961 and 1964 respectively. The two governments immediately formed a union, the United Republic of Tanzania. This country with more than 120 nationalities is in the rare situation in Africa, in which the overwhelming majority of people across the nation speak a common local language, Kiswahili which thus provides a vital medium of cross cultural communication.

Even in this case where the political situation was very favourable to flexibility, the stereotype approach to nation state building was adopted and at that without the mandate of the people. Despite the democratic rhetoric of the Ujamaa and Self-Reliance national policy, the state has systematically institutionalized a subtle system through which it maintains tight control on the populace. One party rule has been entrenched in the Constitution of the United Republic of Tanzania. In the framework of a monopoly of the political process, promulgated in the supreme law of the land, the Party proceeded to intertwine with the government and armed forces. The composite three-in-one machinery prescribes and enforces country-wide uniform policies. It maintains control of the decision-making and development process, the mass media, political, social and economic association.

2. The African Indigenous Minorities Question

The overwhelming majority of East African peoples are Bantu speakers who earn their living from cultivation and have cultures with a great deal in common. The national culture prescribed by the state is constructed from the value systems of the mainstream population but with strong influences of European and Arab cultures. Kiswahili, the national language, which is the pivot of the prescribed culture, is predominantly Bantu and Arabic, with considerable Asian and European influence. The stereotype modern Tanzanian is conceived to be a Kiswahili speaker and ideally actively engaged in farming or at least of peasant origin.

In Tanzania, indigenous minority nationalities include the pastoral Nilotic speaking Maasai and Tatog, as well as the Hadza, Sandawe and Dorobo hunter-gatherer communities which have inhabited extensive areas of East Africa for over 3,000 years. At present they constitute only a small proportion of the total population in Tanzania, Kenya and Uganda. In each of these countries however such peoples constitute a distinctive segment of the national population, peoples who have maintained the fabric of their cultures that are very different from those of the mainstream population and the state prescribed national ideal. They are conspicuosly distinct from the rest of the population in dress, language, rotational systems of resource utilization and relationship to the environment. Pastoral and hunter-gatherer peoples managed, through passive resistance, to hold on to their indigenous lifestyles, traditions and cultures, to the end of the colonial period. These are peoples who have continued in the independent African nation states period to resist assimilation impositions. They have neither converted to cultivating cash crops nor have they been obedient to the well known state policy of compulsory village settlements, which became a must for all in rural Tanzania in the early 1970s. They have not become any more amenable to state control now than under the European colonial regimes. For that defiance they received the stigma of resisting modernization and even of being incapable of adopting "civilized" ways.

Contrary to predominant prejudices these societies are by no means static, rigid or hostile to cultural interaction and exchange. Neither have they been irrationally opposed to economic development nor uncompromising in dealing with external interests and forces. Over the years they have interacted with peoples of other cultures and repeatedly adopted changes that were inconceivable to their past generations. These peoples have accepted changes which they perceived would enhance their wellbeing. They have in the meantime recognized and tactically negotiated to win concessions, to ameliorate the impact of impositions that they were aware would be to their detriment. They have not practised blind commitment to tradition nor relapsed into embracing change as prescribed from outside, be it by the state or the prevailing mainstream society fashion at anytime.

In the 100 years since the 1890s both the colonial, and subsequently the independent African states have continually fought to obliterate the cultural identity of our peoples through policies of assimilation and alienation from the land that constitutes the basis of sustainable survival for us. This is not a generalized cultural genocide against minority peoples. In East Africa minority peoples of Asian, Arabic and European descent are free to maintain their lifestyles, languages and religions without intervention by the state. It is specifically indigenous African cultures which are well known to have firm roots in value systems, languages, lifestyles and grassroots community oriented economic systems, all profoundly different from those of the mainstream population which have actively been the target of total annihilation. They are looked down on as backward, evolutionary relics of past primitive ages and an outright disgrace to the national image.

Instead of appreciating and harnessing the potential of diversity of cultures and systems of production in building new nations, African regimes are determined to subjugate indigenous minority peoples

under their jurisdictions to ultimately bring to an end their resistance to assimilation. The values cherished by our peoples are at variance with the uniform national prescription. This gross misconception has condemned indigenous African minorities to an inhuman citizenship, peoples whose cultural heritage is dismissed and relegated to irrelevance in the making of the nation states to which they have become citizens not of their own free will but as a result of the 1884 Berlin Agreement among the European powers on the partioning and conquest of Africa.

This is a case in point of peoples who have consistently maintained an unshaken confidence and pride in their cultures despite a relentless onslaught by the state and mainstream society awash with chauvinism, emanating from superiority derived from control of the centralized machinery of domination. But their resilient resistance to assimilation has resulted in their being marginalized in the process of development, control of resources and exercise of human rights. The primary criteria used nationwide in allocating resources to social services and economic infrastructure. Both the state and the international donor community tend to use the criteria of population densities and contribution to cash crop production in allocating development resources. Resources allocation systems based on those criteria have been one of the major causes of indigenous minorities being left out of the development process, from getting a fair share of resources allocated to development.

African indigenous minorities are an integral part of the world-wide extended family of indigenous peoples, clearly not by virtue of being the Aboriginals of the continent. It is only in this last decade of the century in which Africa has been under foreign subjugation that access to trans-continental communication has awakened us to a momentous realization. We have become aware that we belong to an authentic worldwide family of peoples who- despite their far apart concrete socio-ecological environments- have maintained their ages old community values and coherent views on the universe totality in a very perverse world power configuration, dominated by the cult of reckless conquest. Secondly the strikingly common historical plight in relation to the dominant powers on the land and perseverance to survive with dignity recognized by all peoples as the fundamental right to distinct cultural co-existence and as peoples maintaining sustainable lifestyles in relation to nature. The third commonality hinges on ancestral land that we relate to with profound spiritual respect and historical ties to our children at birth; to which as a community we learn to be responsible, disciplined and to uphold coherent values that link new generations firmly to our ancestors; and to which we return at death. We- in common with the rest of humanity- are determined to live in dignity, strengthened in that resolve by the awareness that we are not isolated, but indeed part of the global struggle of indigenous people to restore respect for our rights to our cultural identity and to the land of our birth. These fundamental human rights that have been blatantly violated by dominant cultures in a World endangered by the reckless drive with the arrogance of might, to plunder global natural resources and subjugate peoples.

Moringe Parkipuny, representing KIPOC, Tanzania. Photo: Jens Dahl

3. Obstacles to Autonomous Organizing

Under these circumstances the formation of authentic grassroots organizations has been impaired by the state, which is suspicious that such institutions will encroach upon and undermine its monopoly of power. Organizations that are autonomous from the state are registered under the Societies Ordinance of 1954 which is part of the colonial legacy and has not been altered in the past three decades. And, they are not accorded legal recognition as a democratic right of citizens to organize, but only at the discretion of the state. The actual process of registration is cumbersome, lenghty and prone to political blockade. Moreover, legally existing organizations are subject to state surveillance, which may be accompanied by harassment and ultimately banning. In view of these circumstances, in which autonomous existence is at the mercy of the state, it is no wonder that genuine grassroots organizations are a rarity in Tanzania.

The state becomes even more suspicious in the case of organizations of peoples whom it has loaded with the stigma of being anti-nationalistic, and "resistant to progress," for having defied the forces deployed in attempts to assimilate them into a hypothetical national culture and development route that requires minority nationalities to discard their indigenous value systems. We went through a painstaking process, lasting three years, before finally securing formal registration of KIPOC (Organisation of Pastoral People). Furthermore, we were compelled to conform to an organization structure predetermined by the Societies Ordinance. KIPOC founding members had to revise the original draft of their constitution which provided for a representative structure in keeping with pastoral peoples organizational systems. We had to conform with the prescribed individual membership system, precisely so that we would stand a chance of getting registration. Even after KIPOC had been registered we were summoned by functionaries of the ruling Party at the district level to account for KIPOCs existence, to the District standing committee that deals with security matters, to the best of our knowledge there was not even a sign of us being a threat to anybody. The summons came as real surprise to us, because we had already voluntarily shared with those officials the

Maasai dancers from Usangu, southwestern Tanzania. Photo: Jens Dahl

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relevant information in all stages of the registration seeking process. This we did to solicit goodwill and to pre-empt anticipated local political intrigues. The Societies Ordinance obliges the registrar, but not those seeking registration, to consider the views of the relevant District Commissioner who heads the Central Government at that level. It is noteworthy in that regard to point out that the local elected councillors of Ngorongoro had resolutions, first to support the initiative taken to form the organization and to urge for its speedy registration.

4. The Democratization Wind

The current world-wide resurgence of democratic change has touched Africa. This marks the beginning of a new phase in the predicament of the continent. The dramatic fall of autocratic regimes and the suddenly loud voices of people debating their destiny across the continent in these early hours of the 1990s are manifestations of irreversible change. To the dictators Africa is in turmoil. To others the Western multiparty democracy system is advancing to even frontier Africa in the march to complete economic, political and cultural unification of the entire World. Multiparty states will not curtail the miseries afflicting Africa. It is very obvious from the pathetic plight of minorities, that include coloured people and the native peoples of America in the United States, the proud home of that Constitution of Liberty, the most vocal advocate of the multiparty system and the unequaled world superpower, that political pluralism have not guaranteed social, economic, political or environmental peace. Moreover India, the largest western type democracy in the World, has had a multiparty system for over half a century now, without discarding its colonial legacy. It is very obvious that multiparties have not made a difference to the overwhelming majority of the peoples of the sub-continent which has some of the strongest indigenous cultures of this planet. To this very day great India has overwhelming and accentuating socio-environmental devastations.

In our viewpoint what is clear from the writing on the wall is that Africa is in momentous motion at the threshold of the 21 century. Beyond that it is not clear where we are heading. This beleaguered continent cannot afford to be hooked into another false start. The multi- and Soviet supreme single party systems are both Western. The move from colonial domination to mono party rule in Africa was both a bitter reaction to the inhumanity of the crude phase of Western hegemony that denied the colonized peoples a voice in their destiny and a carry over of the dominant belief of the rulers of the time that African peoples were so primitively fragmented in tribes hostile to each other that they could only be made to live in harmony under one flag by the power of a strong central authority. To creep out of the horrors of the colonial legacy and swing with jubilation into the multiparty system in the framework of structures of power bestowed on Africa at independence, is outright disgraceful and dangerous.

Africa should not fail to enter into critical dialogue on its political and economic colonial legacy as a crucial aspect of the search for alternative forms of government and a new global economic order. Beyond doubt, preoccupation with the promotion of the rights of the majority and the need to consolidate national unity are vitally necessary. But these concerns should never be pursued to the exclusion of the equally essential obligation to protect the basic rights of vulnerable national cultural minorities. Pursuit of the course of the majority in a manner that involves seeking to obliterate minorities undermines the very foundation of unity among multicultural peoples and places a primary component of human rights, to cultural diversity, outside the national agenda. The reality of multicultural nation states cannot continue to be ignored and yet expect socio-environmental harmony to prevail in the land, or even to forge genuine national unity.

Among other prospects, the great political change that has dawned on Africa brings to light the suppressed question of the right of indigenous nationalities to their cultural identity. We are at the threshold of a period likely to witness qualitative progress as the peoples of Africa take control of their destiny. That is through autonomous grassroots organizing, without the fear of intimidation and harassment by the state with intent to enforce the rigid monopoly of power that it has wielded since the attainment of independence. In that context, the birth of KIPOC is timely. We are determined to evolve this organization into a dynamic grassroots instrument with sustainable strenght to motivate and give support to indigenous minority peoples in Tanzania, who are currently excluded from management of the process of change that affects them as peoples.

Madam Chairperson we invite and appeal to you to visit Africa. By doing so you will give us an immense morale boost. Madam Chairperson, Brothers and Sisters present here on behalf of your peoples and support groups it is glaringly clear from the presentations that we have shared that Mother Earth and her indigenous peoples are in gross distress. Relentless determination in unity is without doubt our greatest asset. As Nelson Mandela reminded his peoples years back, there is No Easy Way to Freedom. We Shall Overcome.

Moringe Parkipuny, is the Executive Secretary of KIPOC; Organization of Pastoral Peoples. ❑

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Statement of KIPOC, NGO for Pastoral Peoples, Northern Maasailand, Tanzania

By Shomet Naingisa

Introduction

Madam Chairperson, honorable members of the Working Group, ladies and gentlemen, on behalf of my delegation I am very appreciative of this opportunity to address this conference for the first time.

I now turn to the presentation of my statement which focuses on the alien and ill-conceived wildlife conservation policies exercised on our land and their consequent negative impact on the rights of the indigenous Maasai people.

Expropriation of the Wildlife Resources

Before European shooting for pleasure and pursuit of profit spread havoc on the land, in the wake of colonization which subsequently gave rise to local commercial hunting, wild and domestic animals co-existed throughout extensive areas of Africa. In East Africa massive numbers of free living creatures of diverse species continue to inhabit ecosystems that have been the common home of indigenous peoples and wildlife for thousands of years. The natural right of all creatures to unmolested existence on common resources of the land remains to this day an integral part of the belief and value systems of the indigenous minority peoples of Africa.

Among the Maasai, wild animals are cattle of the creator and a reserve to be harvested only in time of extreme loss of livestock which then exposes the community to starvation.

Thanks to the survival of our indigenous value system and traditional resources utilization systems, pastoral lands have retained rich wildlife endowments.

There can be few places on this globe where wildlife is anywhere as plentiful and at that spread throughout the land as in Maasailand. The area accounts for more than 50% of the total population of game found in Kenya and Tanzania. The policy of the creation of exclusive wildlife and tourist preserves which was transplanted to East Africa from North America have caused the loss of vast tracts of Maasai rangelands to an extent unequalled perhaps on the entire continent of Africa.

At present nearly 80% of the game viewing tourists arriving in the two countries, (Kenya and Tanzania) visit the artificial preserves carved out of larger Maasai and wildlife ecosystems.

The arbitrary creations of preservation imposed on the land through the eviction of the indigenous people, who have protected their environment and its endowments so well that it has attained global recognition as a heritage of great value to humanity, have a precarious existence without the wildlife having access to the entire ecosystems.

Besides the arbitrary expropriation of quality rangeland, and that without compensation, the very peoples who have protected their wildlife resources so magnificently that today it constitutes a stock worthy of national and global pride are condemned to blatant deprivation and abject impoverization. The preservations "aristocracy" continually exercises a decadent policy that denies our people the right to participate in the management of the preserves and to get a share of the lucrative income that accrues from utilization of the resource of our land. The preservation legacy continues to dictate the eviction of indigenous peoples from their lands, exclusion from both the management of those areas and sharing of the earnings that accrue from resources that are historically ours, constitutes a gross violation of our basic human rights.

Absurdly, in the name of protecting wildlife, the most fundamental rights of the very people who have effectively protected the animals are totally ignored. This poses a grave danger to our cherished culture and is enforcing conditions which will lead to the elimination of wildlife, a great natural heritage of both our land and humanity.

The Ngorongoro Conservation Area Crisis.

The roots of expropriation and consequent impoverization and marginalization.

Despite persistent and powerful forces for eviction from Ngorongoro, the Maasai

have relentlessly held on to their land up to date. These forces claim to operate in the name of the entire world.

When Serengeti National Park, inclusive of Ngorongoro Highlands was established in 1951, the basic rights of the indigenous peoples to the land resources were recognized. However, the 1954 amendment of the National Parks Ordinance abrogated the unwritten rights of the occupancy and cultivation within the area. This profoundly curtailed the basic rights of the people to the land.

In no time, Serengeti became the focus of a major crisis involving the Maasai, the colonial administration in what was then Tanganyika and the international wildlife preservation lobby in the Western world.

The wildlife preservation interests mounted unequivocal demands for expulsion of the local Maasai from the park. The late Prof. GRZIMEK of the Frankfurt Zoological Society, went as far as demanding that Serengeti be placed directly under the U.N.O. When that failed, he offered to raise money to purchase the whole area, kick out the Maasai and then turn the land into an exclusive wildlife and tourist domain.

The British colonial authorities yielded to the massive pressure and instructed the people to vacate the Serengeti and Ngorongoro. But the Maasai flatly refused to comply. Faced with bloody and costly guerilla war, i.e. the Mau-Mau land struggle across the border in Kenya, the authorities could not risk another potentially costly native uprising in the immediate neighbourhood. The government therefore sought expert advice and thereafter negotiated a compromise solution to bring down the tension.

As the time when the Serengeti plains and not Ngorongoro Crater was the focus of wildlife preservation interest, an agreement was reached to declare the Western woodlands and a portion of the Serengeti plains a conventional national park. The Maasai accepted the compromise, to retreat to the Ngorongoro Conservation Area where they were promised a guarantee of the rights they were forfeiting permanently with the alienation of Serengeti.

Addressing the Maasai Federal Council on August 27, 1959, Sir Richard Turnbull the British Governor of the then Tanganyika said "I should make it clear to you all that it is the intention of the government to develop the Ngorongoro Crater in the interests of all the people who use it. At the same time the government intend to protect the game and human inhabitants of the area. But should there be any conflict between the interest of the game and human inhabitants of the area, those of the later may take precedence. The government is ready to start work in increasing the waters and improving grazing rangelands of the crater and the country around it. For your part you must take care to fulfil the agreements into which you have entered to keep the countryside in good heart. You must not destroy the forest, nor may you graze your cattle in areas which have been closed under any controlled grazing scheme; at the same time you must be certain to follow veterinary instructions designed to prevent diseases".

In 1960 several water reservoirs were constructed in Ngorongoro Conservation Area in an attempt to meet the terms of promises made by the Government. However, these water projects subsequently proved to be temporary and uncommensurable with the value of the permanent natural resouces of the land which they lost to the Government. Additionally, none of the constructed reservoirs function now. Consequently, the Maasai of Ngorongoro have continued to suffer persistently from lack of reliable water supplies for domestic use and for their livestock. On top of that, the guaranteed right of the land and priority of interest promised in 1958 and repeated by the Government of Tanganyika to the Maasai Federal Council were ignored by the authorities, as soon as the Government had securely obtained what it wanted.

Due to the inherently fragile premise by the Ngorongoro multiple land use option, the conservation area has inevitably been managed on an adhoc basis; Ngorongoro has, since its inception thirty years ago, not had a concrete official comprehensive management or development plan. The vacuum has given the conservation area administration and preservation patrons the discretion to make decisions and act conveniently, even contrary to the essence of law and justice, against those facets of the multiple land use option which, though provided for in the law, they consider anomalous in the framelog of the preservation concept of proper conservation. When the Maasai objected to the Government decision to abolish cultivation in Ngorongoro in 1974, they were promised that the branch of a trading company, whose main task would be to ensure availability of adequate grain supplies in village shops in the area, would be opened in Ngorongoro. They were at the same time promised development of a more productive livestock economy which would enable them to secure an improved quality of

Maasai men from southwestern Tanzania watching their herd. Photo: Jens Dahl

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Maasai woman from Ngorongoro, Tanzania. Photo: Frans Welman

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life without having to resort to cultivation.

The Maasai have been depicted in written anthropological records as living solely on milk, meat and blood. In actual fact, however, they have always supplemented those principal diet items with grain procured from neighbours in exchange for or purchased with cash earned from the sale of livestock or their products. The situation prevailing now in Ngorongoro Conservation Area is profundly different from that pastoral ideal. The Ngorongoro Maasai have suffered a disastrous decline of their economy in the 1970 – 80s decade. Now less than 40% of the food requirement of the Maasai in Ngorongoro derived from livestock products, which more than 60% is procured mainly in the form of grain. This dramatic nutritional change reflects a grueling predicament of extreme impoverisation, which has compelled the Maasai in the conservation area to depend increasingly on grain. The productive and reproductive capacities of livestock in Ngorongoro have crashed. While the human population has increased from about 9000 in 1960 to an estimated 23,000 in 1988, over the same period cattle numbers have fluctuated downward around 120,000 head.

In consequence the majority of families in a community of, untill recently, well-off pastoralists have fallen destitute at the hands of conservationists. In this situation the few better-off are unable to support the many relatives who cannot feed themselves. The local community system of social security has reached its limits. The poverty-stricken have at this juncture little choice but to resort to honey gathering, cultivation, even in violation of the law, trading in honey beer and too, of course, to become ready recruits in the service of trophy poachers. Women who have lost their main source of income in the form of surplus milk and a supplementary means to feed their children have to concentrate on illegal cultivation and trading in honey beer together with local spirits. That has in turn led to increased supply and consumption of alcohol to the detriment of a broad section of the community, as many individuals end up drinking without having anything to eat. Being the last in the household to eat, that is, after they have allocated everyone else food, women invariably suffer most from the shortages.

That diabolic process of impoverization is still in progress. Persistently embarrassing criticism of the government, for disregarding the shameful imposed plight of the Ngorongoro Maasai, led the Ministry of Natural Resources and Tourism to appoint in 1988 a Commission. The Ngorongoro Commission was given the mandate to analyse expert specialist reports, prepared under the auspices of the International Union for Conservation of Nature and Natural Resources, and other relevant materials then submit a report with recommendations to the government on ways to resolve the outstanding crisis of the area.

In august, the Commission delivered to the Minister a new addition to the collection of reports with multiple recommendations on the Ngorongoro Conservation Area crisis. Among the many recommendations of that report the Commission emphatically appealed to the government to institute emergency measures to arrest loss of livestock and set up a relief food supply system to rescue the Ngorongoro Maasai from starvation. Two elected members of the Maasai served on this Commission. For one of them who was the member of Parliament for the district, it was the fifth Commission in Ngorongoro he got involved in, in the span of 10 years, between 1980 and 1990. So far nothing has been done on any of the reports submitted by the five Commissions.

To compound the already delicate situation, the rains have failed this year and there is a real shortage of grain. In such a situation those who do not produce their own food are hardest hit. Cultivation remains strictly prohibited in Ngorongoro. The risk of Maasai starving to death this year in the Ngorongoro Conservation Area in the name of protecting wildlife for the world's present and future generations is very real. Where is our common future.

Maasai boys watching cattle in southwestern Tanzania.
Photo: Jens Dahl

Shomet Naingisa is the President of KIPOC, N.G.O., for Pastoral Peoples based in Northern Maasailand in Tanzania. ❑

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Testimony of the Xavante Association of Pimentel Barbosa (Mato Grosso, Brazil)

Brazil, South America

By Sereburâ Xavante

My name is Sereburâ Xavante, and I am accompanied by Paulo Supretaprâ who is also from my village. We represent the Xavante de Pimentel Barbosa Association in the state of Mato Grosso, Brazil. The Association is affiliated to the Union of Indigenous Nations (UNI) of Brazil, which forms part of the Coordinated Group of Indigenous Organizations of the Amazon Basin (COICA).

To the Xavantes I am a *Rotsamari'wa*, which means, a lawyer.

Like you, Madam President, my work involves getting different groups of people with varying interests, to reach agreements and to respect them. As I am a *Rotsamari'wa* I can appreciate the difficult and important work your working group is carrying out for the benefit of the indigenous peoples of the world.

I am old and the trip here represents the first time I have taken an airplane. During the entire flight I clutched my seat because I was afraid of flying, but I wanted to come to talk with you, to pay my respects and to convey the warm greetings of the Xavante nation to all the Indigenous Nations here present.

Sereburâ Xavante offering the Chairman a Uibró, a Xavante symbol of mutual understanding. Photo: Alejandro Parellada

Since the last session of your working group, the situation in Brazil has not improved, especially with respect to land rights. We, the Indigenous Nations of Brazil, want our lands to be respected as we respect the land belonging to the white people. They, on the other hand, invade our lands, pollute them with chemical fertilizers which penetrate the soil when it rains, and contaminate our rivers, destroying the fish.

The earth is our only interest in life. On it we have air to breathe and water to drink. But we want the water to be clean and we don't want poisons to be thrown into it. We protect and preserve nature not only for our own survival, but also in order that the birds, insects and plants can continue living with us in harmony with nature.

What is the reason for attacking the Indian? To rob them of everything? What

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have we done to the white man? We have occupied our lands for many generations and we have the right to continue living on them. But the white people are finishing us off. If it were left to them, there would no longer be any plant life. The white man does not respect people, but we respect them; they cannot understand that. They still have a lot to learn.

In our village we also have many problems, especially in the area of education and health. The government of Brazil is not giving us the medical attention that is due to us. Our village has no doctor or nurse, they never come.

We also have no schools in spite of the fact that we have repeatedly asked the government to furnish us with the possibility that our children can acquire a basic education compatible with our culture and our language. No attention has been paid to us.

The situation in our community is not unique. Many other indigenous communities in Brazil are suffering from these and other more serious problems. Such is the case of the Yanomami who are being annihilated. If the Brazilian government does not take immediate and drastic measures, the Yanomami Nation will disappear.

Madam President, I am old and I will definitely not be able to participate in your working group again. Therefore I would like to offer you a Xavante symbol as a souvenir. In the Xavante Nation, when two chiefs hold discussions and reach an agreement, one of the chiefs gives the other a "Uibró", a symbol of mutual understanding between two leaders. I have brought a "Uibró" for you Madam President and I hope that you will receive it in the same spirit of friendship and respect in which my people and I give it.

Thank you very much for your attention, Madam President.

Map of Brazil

Sereburâ Xavante, Xavante indian from brazil. Photo: Alejandro Parellada

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Sandra's Story

By Pauline Comeau

The optional protocol to the International Covenant on Civil and Political Rights allows for complaints by individuals against their governments to be heard by the 18-member UN Human Rights Commitee. PAULINE COMEAU recently talked to Sandra Lovelace, from the New Brunswick Micmac, whose charge of discrimination against Canada helped to change Canadian legislation and alerted indigenous people to the possibilities offered by the procedure.

It seemed simple enough. Divorced and living in the U.S., Sandra Lovelace decided in the late 1970's that she wanted to return home to Canada with her son.

But the Micmac Indian from New Brunswick soon discovered she no longer qualified for the rights and benefits enjoyed by other status Indians because of a 100-year-old government policy. Why? Because Sandra Lovelace had married a non-Indian and this was reason enough to disenfranchise her and any children she had.

Native women had tried to change the policy for years and decided to use Lovelace as their test case. Stalled by the government and courts, the effort moved to the UN Committee on Human Rights.

The argument: the law discriminated against Lovelace because she was a woman. Native men who married non-Indians were not disenfranchised. Their wives and children were automatically registered as status Indians and able to take advantage of all federally-funded benefits such as health care, education, and housing.

"Bill C-31 removes some discrimination, but not all of it, and that is just not good enough."

In 1981, the Committee ruled the policy was discriminatory, denying women and their children rights to which they were entitled. The timing was crucial. Canada was in the midst of rewriting its constitution to include, amongst other things, a Charter of Rights and Freedoms that specially referred to gender equality. Continued resistance to changing a policy that was so obviously discriminatory was becoming more difficult for the government.

In 1985, Canada finally amended the Indian Act with the passage of Bill C-31. The new law stipulated no status could be gained or lost by Indian men or women as a direct result of marriage. Women who had been struck from band lists could apply for reinstatement for themselves and their children.

"It was my understanding that the international pressure that was put on Canada and the embarassment was the key factor in changing the discriminatory aspects of the Indian act," says Rose-Ann Morris, executive director of the Native Women's Association of Canada.

Lovelace believes the visit to the UN gave native women the opportunity to educate others about the issue. "It brought a lot of organizations around to our thinking," she says. "At first, many didn't support us."

But the fight is not over. Six years later, native women are fighting what they call second-generation discrimination. Under Bill C-31, grandchildren of women who are re-instated and who are products of mixed marriages, are disenfranchised. The rule is that having only one grandparent who is a status Indian does not constitute enough of a blood line to qualify for status.

Ironically, Lovelace, now 42, agrees with the rule that could cut off her own grandchildren. "I think it is only fair. My child is only half Indian. If he marries a non-Indian it will dull the bloodline." However, Lovelace believes native women who want the change should fight for it.

"Some say that if there is only one Indian grandparent, then how will they learn their culture. Others feel that if you learn the language and the culture, and there is a test, then that is the measure," Morris says.

Her organization is arguing that the generation cutt-off unfairly affects more women and their children than men. As a result, children and grandchildren of women who fought so hard to change the law are being treated differently than the children and grandchildren of men of the same generation.

Map of Canada

Education is a way to protect own cultural values. Photo from school, Coral Harbour, Canada. Photo: IWGIA archives

A government spokesman said there are no plans to clear up what they admit are ongoing inequities. When asked how the government could support such discrepancies, Sandra Ginnish of Indian Affairs appeared to blame native leaders who complained about the extra financial burden they would face. "Some consideration had to be given to the points of view of the bands and the whole issue of re-establishing membership and what kind of impact that had on the bands," she said.

Studies show the Canadian government seriously underestimated the number of people who would apply for status and want to return to reserves. As a result, funding for housing and other programs has failed to keep pace with the growing population. Since 1985, more than 17,380 women and children have been reinstated under Bill C-31.

Morris says rules are applied unevenly. The date of birth and the laws in effect at the time, can disqualify an entrant. And different bands have been allowed to apply their own restrictions to the applicants as long as all reinstated Indians are treated the same. "Bill C-31 removes some discrimination, but not all of it and that is just not good enough," Morris says. ❑

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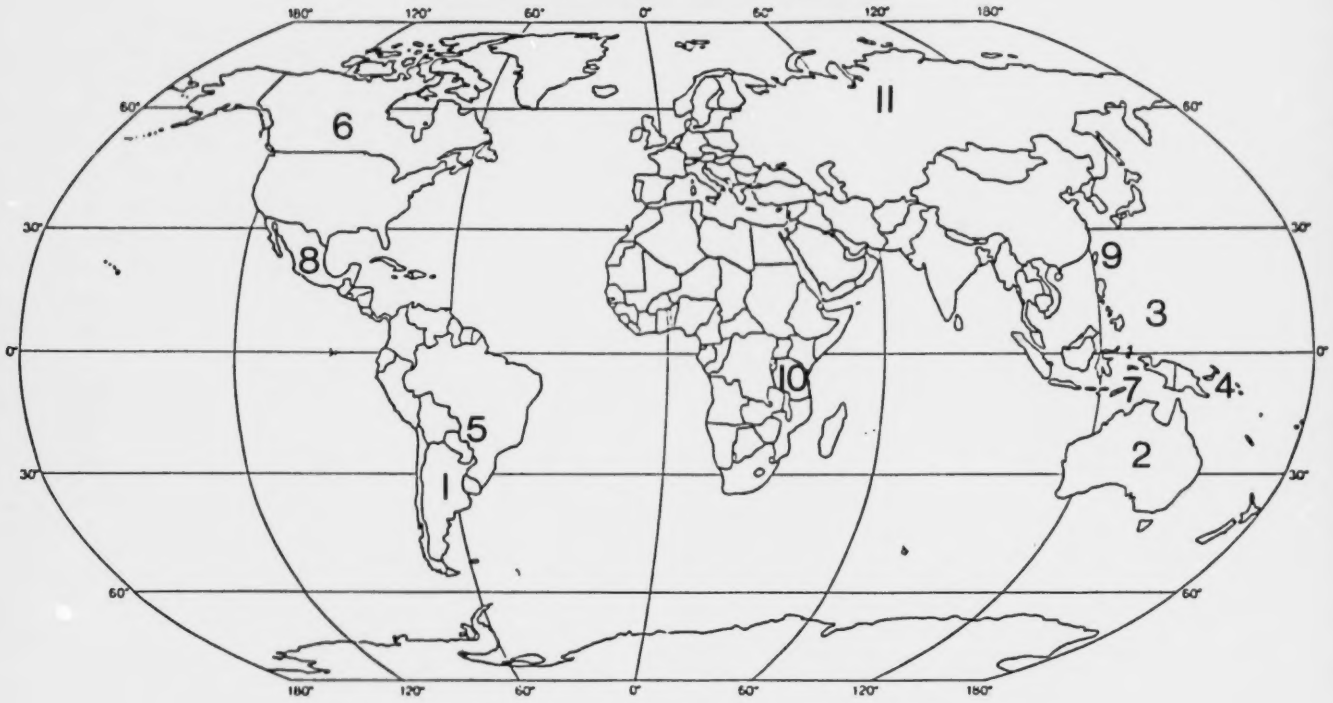

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Editorial

The political upheavals which have swept over several continents in recent years have had profound and long-lasting effects on minorities and indigenous peoples. The Soviet Republics are fighting for their right to self-determination. But how will the new Russia treat its own indigenous people who have claimed the same right? Will Boris Yeltsin allow the Buryat Autonomous Socialist Soviet Republic to develop into a republic of its own – the same right, forwarded by the same arguments he has used himself on behalf of the former Russian Socialist Soviet Republic?

Unfortunately, there is no guarantee that new independent states will give their own minorities and indigenous peoples the same rights they themselves have claimed. On the contrary. Eritrea *might* be the first country in Africa to recognise the rights of pastoral nomads, as indicated in a lengthy interview with the Eritrean researcher, Zeremarian Fre.

For decades the Horn of Africa has suffered from conflicts and civil wars. The new Eritrea and the Somaliland Republic grew out of the suppression of ethnic minorities like, for example, the case of the Isaq people in Somalia. We bring a background article and an eyewitness report from the newly-formed republic of Somaliland.

In 1987 an autonomy law, affecting the land of the Miskito Indians on the Nicaraguan Atlantic Coast was passed in the National Assembly in Managua, and in February 1990 the regional council elections gave the ethnic minorities a majority of seats. However, the autonomy law still remains to be implemented by the post-Sandinista regime. A major obstacle seems to be companies with logging interests in the Atlantic Coast region.

As in Nicaragua, the logging companies are a major obstacle to the Pehuenche Mapuche in Chile. These Indians still face the threat of being evicted from their homeland.

In an interview with IWGIA, José Mirtenbaum argues for the significant cultural role played by the use of coca as different from the use of cocaine, for the Indians of Latin America.

In Australia, Aotearoa, the USA and other countries indigenous people are now demanding returned cultural and skeletal remains which legally or illegally have been removed by anthropologists and archaeologists. In the past they were opposed by both scientists and governments, but recent years have revealed a more positive attitude towards indigenous demands. From Australia and from Kodiak Island, Alaska (USA) we bring two articles which focus on the repatriation of skeletal remains.

A Tibetan monk, one of the authors of a pamphlet for an independent Tibet, was sentenced to 19 years in prison in 1989. The so-called »Drepung group« produced the »Precious Democratic Constitution of Tibet,« an original piece of political writing – »perhaps the first to come from the generation of young Tibetans who have grown up under Chinese rule,« writes Ronald Schwartz. We bring his article on this document and its background.

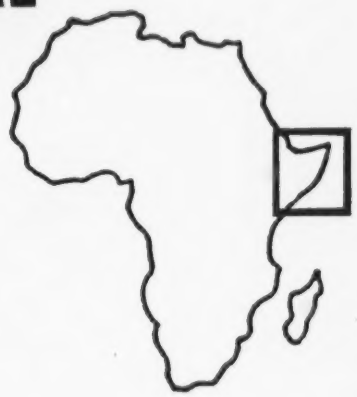
East Timor is not usually hot stuff in the media. That was until November when the Indonesian military slaughtered dozens of innocent civilians at a cemetary in the East Timorese capital of Dili. We bring a major document on this horrible event which ought to force governments, in particular that of Australia, to reconsider their relationship with the imperialist Indonesian regime (see also IWGIA Newsletter 1/91). ❑

Jens Dahl

Cover: *Women from the province of Sahel, Eritrea. Photo: Espen Wæhle.*

Horn of Africa:

Drive for self-determination and independence



In the last two weeks of May 1991 the political landscape in the Horn of Africa changed dramatically. The Eritrean People's Liberation Front (EPLF) took control over the last cities of Eritrea. The Ethiopian Peoples Democratic Revolutionary Front (EPDRF) ousted the regime of Haile Menghistu in Addis Ababa, Ethiopa. The Somali National Movement (SNM) and their allies declared that the Somaliland Republic in the northern part of Somalia had separated from the rest of the country.

The longstanding conflicts in the Horn of Africa have taken an enormous toll in human lives. On July 31st 1991 the news agency Reuter reported that more than 10 million people in the Horn of Africa were suffering from drought and civil war. The situation was made worse by the high proportion of political and environmental refugees in the region. In September 1991 African Watch published the report »Evil Days« where it was estimated that more than 750,000 people lost their lives, among these at least 150,000 civilians were killed, during the 30 years of war between Eritrea and Ethiopia. The more recent civil war in Somalia has left the capital Mogadishu in ruins and between 5,000 and 8,000 are believed to have died since the fierce fighting in the capital started in December 1990. In other parts of Somalia, including the north, thousands and thousands have been killed, wounded and forced to flee to neighbouring countries.

A fragile peace has been established in some parts of the Horn. Since May Eritrea and Ethiopia have lived in peace with each other. In the Republic of Somaliland the slow process of rehabilitation has started, while the political situation in Somalia is still undecided and figthing continues.

We here present three different reports on the situation which has emerged in the Horn of Africa.

Kitty Warnock of the PANOS institute in London reports on the mood in the devastated town of Hargeisa, the capital of the Somaliland Republic as well on the events leading up to the declaration of the independence of the northern part of Somalia.

In »The re-birth of Somaliland Republic« Yusuf Ali Sheikh Madar, the Minister of Foreign Affairs, presents the view of the newly formed government. The Djibouti conference referred to in the article took place 15 – 12 July 1991.

The potential as well as the need for regional cooperation and trade is well brought out in the interview with Zeremariam Fre of The Pastoral and Environmental Network for the Horn of Africa (PENHA, for a presentation of PENHA see IWGIA Yearbook 1990). Contrary to common perceptions, the realization of self-determination and thus a fragmentation of the current political set-up, may well form the basis for much needed contact and cooperation in the Horn. Warfare, drought and environmental degradation are shared hazards and part of the complicated conflicts in the Horn. The region also shares crucial resources like water and pasture. Cooperation on a regional level is a prerequisite for lasting peace in the Horn of Africa.

Sources: EIU Country Report No 2 1991 Ethiopia/Somalia, Indian Ocean Newsletter 27 July 1991, Information 1 August 1991, Vårt Land 30 September 1991. ❑

Somaliland:

The "Bar Hargeisa" opens for business

Somalia, Eastern Africa

By Kitty Warnock

Hargeisa, Northern Somalia: The "Bar Hargeisa" near the centre of the capital of the self-declared republic of Somaliland is surrounded by the rubble of bombed buildings, drifts of rubbish and the skeletons of cannibalised trucks.
But the battered chairs in its courtyard are filled from morning to night with customers chatting, eating and drinking sweet milky tea. After dark, one of the trees in the courtyard sports a string of four coloured lights.

The bar could stand as a symbol of the current mood in Hargeisa: relieved, happily making do, while life returns to something like normal after three years of civil war and exile.

In 1988 Hargeisa was heavily bombed by President Siad Barre's troops, the climax of years of the northern Issaq people and war against their Somali National Movement (SNM).

Most of the population of Hargeisa fled into the hilly hinterland or to refugee camps in Ethiopia. For three years the city was occupied by Barre's soldiers and some Ethiopian refugees, while rural areas remained under the control of the SNM.

Last January, the Barre government fell and the SNM moved into the city and other northern towns. Immediately, the exiles started to return.

The population of Hargeisa in January was about 15,000. By August it had risen an estimated 150,000, nearly half the city's previous population.

It was home, but it was rough. Survival was threatened by lack of water, and by thousands of unexploded mines in the rubble. In parts of the city, 80 per cent of the houses are without roofs.

But the atmosphere is cheerful. Amira Odleh, for example, arrived a few weeks ago after nearly seven months on the move. Fighting and looting had driven her out, first from resettlement village in the south where she had been living since the 1974 drought, and then from Mogadishu. She and her family boarded a truck which was attacked and looted several times on its journey north. Now they are camping in a dry corner of the ruined municipal theatre: "We haven't got any income or any property except a few cooking pots, but we feel very safe. We knew what Hargeisa would be like, but we are pleased to be here."

Those who have been back longer than Amira have set to work reconstructing what they can salvage, trading whatever they can acquire. A pile of tiny car parts is sold from a table in the market; a mechanic under a tree painstakingly sticks the hundredth patch on an old truck tyre; containers are turned into shops selling, biscuits, batteries, and household goods; friends greet each other from backless chairs perched in front of the little corrugated iron tea stalls that line the main roads.

Life here is synonymous with free enterprise. There is food in the market, though nobody is quite sure where it or the money

Consequences of Siad Barre's forces attack on Hargeisa.
Photo: Dr. Abdirahman Gaileh Mirreh

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The troops under the command of Siad Barre caused serious damage to the city of Hargeisa. Photo: Dr. Abdirahman Gaileh Mirreh.

with which it is bought are coming from. The trade in ch'at (a plant chewed as a mild stimulant) from Ethiopia was apparently never interrupted during the harshest days of war. Buses run regularly around the town, though fuel is short.

Non-government organisations are energetically mobilising people to clear up the wreckage. One organisation is already planning a role for itself as a think-tank policy advice to the government.

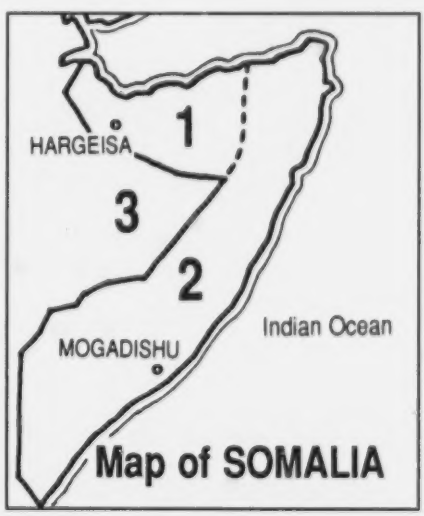
Freedom of speech is a right which is daily exercised: by individuals who put up posters demanding government action to clean the streets; by the self-appointed town crier who walks about with a loud-hailer giving people the benefit of his comments on events and calling them to prayer; by the poets and songwriters who are Somalia's traditional channel of information and debate; by the large crowds who gather at 5.30 every afternoon in cafes and public and public places to listen to the BBC World Service Somali programme beamed from London; and by the six independent newspapers which have sprung up in the three principal towns to challenge the SNN's fortnightly journal.

Paper, equipment, distribution systems and readers with money to spare are all in limited supply, so the publications are small, but they are serious.

They report on the deliberations of the governing central committee, interview political opposition groups, use sly cartoons as well as articles to educate the public in political reconciliation, civic responsibility and public health. Environmental issues are featured, as is poetry. Some address the psychological aftermath of war, with regular columns on martyrs.

Experience has taught people to be unenthusiastic about governments.

But government is being born, led pragmatically by the SNM in partnership with tribal elders. It was apparently pressure the elders, speaking for their people, that led to the declaration of northern Somalia as an independent state, Somaliland, in June. Independence has not been recognised by the government in Mogadishu or internationally, but for the moment people are confident.



Says Suleiman Nur, Director-General of the Ministry of Rehabilitation and Resettlement: "Independence is the fixed decision of the people. If Europe or America doubt it, they can ask for a referendum. Our people need international recognition certainly, but they will not exchange their independence for any amount of aid. Who has the power to change the people's decision? I think we will be recognised eventually - it is the trend all over the world. It should be regarded as a human right."

If it is not resolved soon, the question of independence will bring problems - internal opposition from some quarters, as well as a lack of international assistance. But such issues are overshadowed by the immediate need to reconstruct the country, revitalise the economy and re-establish essential services.

Security is well on the way to being established, though the demobilisation of the thousands of fighters, many of whom have known nothing but war throughout their adolescence, is acknowledged as a major problem.

Ministries have been established and staffed and are surveying their resources prior to planning how to start work: the Health Ministry making lists of all the staff and facilities it can find, the Forestry Department surveying old forestry project sites and locating personnel.

Lack of transport and communications - their is no telephone system or telecommunications - are one problem, lack of money another.

1. *Independent Republic of Somaliland, declared in May 1991.*
2. *Since the fall of Siad Barre's government in January, the successor government has not yet established itself.*
3. *Nothern Somali refugees in Ethiopia: 400,000.*

A major part of Hargeisa was destroyed by Barres forces.
Photo: Dr. Abdirahman Gaileh Mirreh.

There are no funds with which to pay anyone. Government staff work as volunteers, carried along by the euphoria of the moment - for the moment.

The people themselves are keen to rebuild the economy and clean up the towns. But it is impossible to say how long this spirit will last if government does not obtain the resources to make a contribution.

Longer-term plans are embryonic. Somalis are conscious that their natural environment is fragile: water is short, the land has suffered from erosion and overgrazing; forests, the only local fuel source, have been shorn.

The economy is based on pastoralism and export of sheep, which depends on maintaining the environment.

It is easy, and many people do, to blame the problems on the Barre regime, which certainly exploited and mismanaged the north's resources. But the problems are serious, and demand practical solutions.

Nevertheless, the assets include all the current nostrums for successful development: a government in touch with the people (through the tribal chiefs and elders, if not yet elected),an economy in which private initiative reigns, free speech. The spirit is there, too. In the words of Amira Odleh: "We are happy to be here because we have overthrown the regime. It is a liberated area, and we can build anything we want."

Kitty Warnock is assistant director of the Sahel programme for the Panos Institute in London ❑

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The re-birth of Somaliland Republic

By Yusuf Ali Sheikh Madar

1. The Republic of Somalia came into existence as a result of the unification of British Somaliland Protectorate and Italian Somalia on the 1st of July 1960. The following conditions, set by the politicians of Italian Somaliland, set the stage for the present dissolution of the union:

A. The flag and the constitution of the South Italian Somaliland to be those of the Union.
B. Mogadishu to be the capital and the seat of Government.
C. The President to be from the south.
D. The Prime Minister to be from the south.
E. The Commander of the Army to be from the south.
F. The Commander of the Police to be a southener.

This great imbalance of political power was further aggravated by the division of seats in the National Assembly (Parliament). 90 of the total seats of 123 did belong to the south. The estimated population of the Republic of Somalia was then about 3 million, the south represented about 60%.

2. As early as 1961, the army officers of the North organized an ill-fated coup against southern domination. It was, of course, quickly crushed, because of the popular belief in national unity. The North was indeed reduced to an inferior region. Its share of the national wealth was always minimal. A deliberate policy of economic starvation and political domination of the North was the order of the day. The ill-feeling and resentment of the North were never redressed by the successive governments of the republic.

3. The rise of Siyad Barre to power in October 1969 unleashed untold horrors. The Somali National Movement (S.N.M.), supported by the Isaq clan (80% of the population of the North), took up arms against him in 1981. The organisation liberated the North in 1991 and declared on the 18th of May 1991 the seperate, independent and sovereign state of Somaliland Republic.

The Declaration of Independence was proclaimed after conducting a lot of consultations with elders, politicians and intellectuals of all groups, including non-Isaq tribes. In fact, the population pressured the S.N.M. to declare independence.

The state structure

1. Briefly stated, the state organs of the Somaliland Republic are based roughly on those of the Somali National Movement.

Shepherds from Somaliland. Photo: Espen Wæhle

These organs are:

a. The S.N.M. Executive Committee headed by the Chairman, or the Vice-Chairman in the absence of the former, – is now the Government, led by the President or the Vice-President.
b. The Central Committee - became the National Assembly or Parliament.
c. The Judiciary.

2. The Constitution of the S.N.M. gives the organisation a mandate to form a government and hold free elections within two years of the liberation of the country. Multi-parti democracy, market economy and highly decentralized administration are planned to be put into practice. A national constitution adopted by a nationwide referendum shall be drafted by a Constituent Assembly (National Assembly).

Non-Isaq communities (Gadabursi, Dulbahante and Warsangeli) shall have the opportunity to participate in the Constituent Assembly in a fair and effective manner as a further testimony of the national reconciliation. Central Committee

representatives and members of these groups together with the Somaliland government have played an important role in effecting the close cooperation of all communities in search for and maintenance of permanent peace and stability.

The djibouti conference

1. The theme of the Djibouti Conference was national reconciliation. Six liberation movements of the South were invited by the host country - Djibouti. The conference was masterminded and financed by the Italian Government. Italy and Djibouti are not neutral partners in this case. They both want a United Somalia, dominated by the South. The conference was not a Somali initiative, but an ill-fated Italian formula. Italy was bent on carrying out a smooth transfer of power to its favorites – the remnants of the Manifesto group.

2. The invitation of older politicians – former president Aden Abdulla Osman and the like – evidenced Italy's disregard of the realities of actual forces in operation. The Somalis lumped by Italy to decide the fate of the Somali nation, were unable to call a ceasefire, let alone create a viable government. The results of the conference were doomed to fail right from the beginning.

3. The Somali National Movement refused to participate in that conference for multiple reasons among which are:

a. We had established our separate state and were not concerned with the reconciliation of the Southern Somali liberation fronts. We had and still have good relations with each front, and were not in need to be reconciled with any one.
b. We are opposed furthermore, to any mediation by Italy and Djibouti between Northern and Southern Somalis. Italy and Djibouti are not neutral between us and the South. We also prefer to solve our problems alone by ourselves and without any mediation.
c. Our declaration of a separate, independent and Sovereign state is irreversible and not negotiable. Our participation in the conference was, therefore, out of the question and meaningless.

National reconciliation, recognition and regional integration

1. S.N.M. is mandated by its constitution to hold nation-wide elections within two years, beginning from the liberation of the the territory. This election should be held round about the middle of 1993. This is a firm commitment which the government of Somaliland Republic should and will carry out.
Multi-party democracy, market economy and a highly decentralized administrative structure are planned to be put in practice. Respect for human rights will be strictly adhered to, so as tu bury for ever the shameful practices of Siyad Barre.

2. Peace, stability and national reconciliation are urgent issues which the Somaliland government addressed itself to. Non-Isaq tribes were invited to participate in the national government. At present they hold six of the seventeen portfolios of the government.
A fair representation of the Constituent Assembly should also be »devised« and allocated to these tribes. This is so, in order to enable them to take part in the fundamental decisions which shape the institutions we intend to create. The mechanism by which this representation should effectively be achieved, is entrusted to the government.

De facto recognition

1. The republic of Somaliland is the effective and unchallenged government of the North. There is peace for the first time after long years of repression. *De jure* recognition will surely be attained at the appropriate time. Time is an important factor. Our state is relatively young, having been reborn four months ago. The dramatic changes of the political map of Europe set precedents that support our case. A new trend in Africa is to get rid of dictators. This new wind of change across Africa requires a fresh approach to be applied with respect to national unity and regional stability.

2. The Republic of Somalia, under Siyad Barre or his predecessors, though homogeneous in many respects, was doomed to break up. It lacked subtle ingredients of cohesion. For the past ten years there was a civil war in which the Isaq people fought against outright oppression and extermination. The Republic of Somalia did not, in effect, exist during the last decade. The army, consisting mainly of Southern forces, was indeed an army of occupation in the North. National unity was a misnomer and a meaningless slogan. Territorial integrety also lost the sanctity with which it was identified. The reign of terror, unleashed by Siyad Barre, speeded up the dissolution of the Union.
3. The re-drawing of the political map of the Horn of Africa, as that of Europe, is a *fait accompli.* The recognition of the emerging states is the order of the day. The independence of the Republic of Somaliland is not a secession. It is a restoration of a past *status quo.* The choice of the people, as to the state or the government they prefer to adopt, should be respected. The people of Somaliland Republic are determined to safeguard and protect, come what may, their hard-won and costly independence and seperate nationhood.

Regional economic integration

Somaliland Republic and Ethiopia have very good relations. This wonderful achievement is made possible by the mutual pursuit and maintenance of a permanent peace policy approach. This policy requires that political boundaries should not be a hindrance to regional economic integration. With this in mind, the free movement of people, goods and services should be encouraged across borders. The possibility of joint ventures initiatives is both in sight and obviously achievable.

International aid

1. The Republic of Somaliland is in dire need of international aid. Infrastructures, water supply systems, hospitals, schools, mosques, communication networks and entire cities and villages have been pulled to the ground. Minefields were indiscriminately planted throughout the country. »De-mining« presents a problem that the Somaliland can not cope with. The government and the public are determined to give their maximum efforts to help themselves.

NGO's international organizations etc. are given maximum cooperation and protection of their lives and property.

2. The refugee population in Eastern Ethiopia have no homes to return to. The establishment of refugee camp communities is likely to be the order of the day, as in the case of Burao and Berbera. This could create and aid-dependent attitude we sre determined to avoid. Our people are, fortunately, a self-reliant, highly enterprising society. The limited mandate, resources and experience of NGO's are inadequate to cope with the tremendous and urgent needs of Somaliland.

3. A political solution between Hargeisa and Mogadishu appears to be the key to granting developmental aid. The Somaliland Government has recently send a parliamentary delegation, led by the Minister of the Interior, to talk to the leaders of the various groups of the South. It is difficult to realize reasonable progress and understanding with the warring factions. A political solution is not in sight until the southern factions put their house in order.

How long should the north wait?

1. The destruction which the southern army of occupation has inflicted is unparalleled. Entire cities and villages are pulled to the ground. Indiscriminate planting of minefields further cripple the possibility of reconstruction. As the former masters of the North, southern politicians, old or new, are unlikely to easily come to terms with the fact-of-life reality that has emerged.

2. Prolonged negotiations are detrimental to the urgent reconstruction efforts the North is in need of. The role of Italy as the contact Government of the EEC is a further disadvantage the North ought to fight against . As it is openly and aggressively against the newly-born Republic, Italy should no longer be, exclusively, assigned the role of the »expert« in Somali affairs.

3. Aid-donors, NGO's and international organisations are urgently requested:
To consider the case of the Republic of Somaliland on its own merit. It should be totally dissociated from its former union with Somalia. There are no Southern Somalis to negotiate with at the moment. Our fate should not therefore, be tied up to them. Our share of developmental aid should also be released to us in the absence of a southern party to deal with.

The Hague, 10th September 1991

Yusuf Ali Sheikh Madar
Minister of Foreign Affairs
Republic of Somaliland ❑

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Interview with
Dr. Zeremarian Fre of PENHA

Reflections on 30 years of the Eritrean fight for independence

Eritrea, North East Africa

Interview by Espen Wæhle

What does it take to resist Africa's strongest army, an army which was assisted and supplied by the Soviet military? The Eritrean researcher Dr. Zeremarian Fre of PENHA[1] (The Pastoral and Environmental Network for the Horn of Africa) here tells how the Eritreans have fought a 30 year long war for independence from Ethiopia. He also recounts the various ways and strategies the Eritreans developed to cope with the enormous challenges facing them. As the struggle ended in victory in May, Fre stresses the need for peace and regional cooperation in the Horn of Africa.

I have come across many people who believe that »Eritrean« is an ethnic concept. In Africa there are many current discussions on political development where concepts like »ethnicity« and »tribalism« are much in use, often linked with processes of »fragmentation« of national states. It would be very interesting if you could relate this to the recent developments in the Horn of Africa, specifically to the case of the war of liberation in Eritrea.

- First of all I could clarify this position where Eritreans are seen as one ethnic group, which of course is not the case. I can be very specific and tell you that there are nine ethnic groups in a classical sense, in terms of them having their own language, ethnic identity and also religions and cultures. So Eritrea is a composition of various ethnic groups. These nine ethnic groups are also not the same in number or in level of their own political and social development. We've got two major groups, that is the **Tigrinia** and the **Tigre** speakers. The *Tigrinia* people are predominantly in the plateau parts of Eritrea, what we normally call the highlands of Eritrea. Topographically much of Eritrea is a highland, but highland is more of a cultural definition of a group like the Tigrinia. They are mostly agro-pastoral - and consist of some 45 - 50% of the population of Eritrea.

he second major group is the *Tigre* speaking peoples. They are spread out in the west and in the east along the mountains. They speak a language called Tigre. Among them pastoralism is a major activity, ranging from specialization in camel herding to mixed farming of small goats and agriculture.

The other groups are the *Afar*, who speak a Cushitic language. They are situated towards the coast and Assab. This is an ethnic group that has a fishing culture, but predominantly a pastoral economy. They also live in the Danakil desert which is very hot and very arid.

Then there is the minority group, the *Saho*, another Cushitic speaking group. Another people north of Massawa is called the *Reshaida*, a people of an Arab origin. They are camel herders and are involved in the contraband traffic across the sea with the Arabs in Saudia Arabia and Yemen. These are people who originated in this part of Southern Arabia and about one hundred years ago they came across the sea.

There is another group called the *Belen*, who are also Cushitic. They live in the centre of Eritrea and are very similar to other highland people in terms of economic subsistence, they are agro-pastoral as well. Then we have a group called the

Kunama who are much darker in colour. This is a Nilotic group, they are very different from all of us. They do not have Christianity or Islam as main religions. They are animists and a very small number are Christians. And we have another group called the *Hedareb*, which is a *Beja* group in northern Eritrea in the hills. Another group is called the *Denara*, a semi-Nilotic group. They speak a separate language. This completes the whole cycle of ethnic groups in Eritrea.

We have two major religions. Christians (Coptic Orthodox), mainly in the highlands among the Tigrinia speaking groups. The lowland areas are mostly Muslim. Town dwellers however consist of a mixture of the two religions.

The Eritreans are as varied as any other part of Africa, so in a way we don't have one language, we don't have one religion, we don't have one culture. The subsistence base vary from fishing along the sea to the hunting and gathering of the Kunama people in the west. The pastoralism ranges from higly specialized camel herding to cattle pastoralism. The farming systems are types of mixed hill farming, where livestock and crops are combined. I myself come from an agro-pastoral community in the center of Eritrea. I was brought up with four different ethnic groups. Apart from those ethnic groups of Eritrea there are also many other groups of African origin who have come from Tchad and Nigeria, which we call *Tukruri*, meaning dark. We have *Sudanese*, we have *Ethiopians* who have lived here for a long time – not associated with the war. These are ordinary Ethiopians that are living there, who got married and mixed. The number of Ethiopans have increased tenfold in recent years because of the war. We have *Arabs*, from the Yemen.

With the Arab nations next door, we have a great deal of economic and cultural interractions. Over the last thirty years hundreds of thousands of our people went across the sea, to the Middle East, to the Gulf, to Saudi Arabia. And they have been a major source of income for the communities back home. A large number of Eritreans went across to the Sudan, as refugees, half a million of them. There are a lot of Eritreans within Ethiopia itself, an estimate, which can be debated, is well over 200,000. They are very much in the business sector of the economy and in various sectors of the society. Some Eritreans are intermarried with Ethiopians, others are still Eritreans in terms of their ethnic identity.

Yes, basically we are a micro-cosmos of people. So Eritrea is not one tribe.

Eritreans have developed a sense of identity and statehood since the Italian colonialism, as a modern state. I was one of the children brought up under the federal system where Eritrea had its own political identity and its own cultural heritage. A lot of us, in my generation in the Front[2] and further on have aquired our statehood and nationalism from that federal period. Eritrea had democratic structures, and political parties, whereas Ethiopia had not any of that, they had a kingdom. So the annexation, which I remember vividly, in 1961, when the Eritrean parliament was dissolved, the Eritrean police was dismantled, the Eritrean institutions were all moved to Addis Ababa, the embassies – I remember that very well. In my home town of Keren the Eritrean flag used to fly high up. That's really the name of the game. Once that had been taken away, then the Eritrean struggle started. It took about thirty years to regain that identity.

Yes, basically you see, how myself and my friends got our identity goes back to that time. We had a sense of identity, despite of the ethnic groups, we were Eritreans. That was very strong and it went on and on for thirty years.

The lack of bitterness towards our neighbours, particularly the Ethiopians, is simply that Eritreans argued a political case, not a tribal case. It is natural that there is no enimity in a tribal sense. Eritreans just want to get back what was taken from them against their own will. That is very simple. You would want to do that as a Norwegian if the Swedish came and took over your place! It is as simple as that, it is not very complicated. It also meant that over the last thirty years Eritreans have got a bit more of this identity, it has been strengthened.

We have developed our own survival strategy as a people. We have depended a great deal on ourselves, we are very proud of this! We have depended on our own resources – and we have depended on outside resources of course – because of our desperate situation, not because we have chosen it. Time will very soon show that we will be able to cope, as we always have done, by ourselves. Because in our culture it is a shame to depend on others. The worst thing you can be, in most of our societies, is to be a beggar around the village. We have been put in that state because of the conditions. Otherwise we are very independent minded people, and that has contributed to our own survival, the way we cope with things.

The strong sense of identity has its political reasons. The fact that a thirty years war can be settled within three months, that it can be settled in such a rapid way, means that a lot of homework has been done over the last thirty years.

What does the »homework« constitute?

- By that I mean that the conflict in a military sense is now over. That was really the homework we started in the beginning, to regain our own identity which was very important to us. That was the political argument and it has now to be strengthened. It is not only that we aspired to be a nation, so destroyed during the thirty years, we are also thinking of our neighbours that our peace should also mean peace to our neighbours. Because we are living in a situation where there is so much coexsistence. I think we have a lot of experience in the process of the struggle which can be useful to our neighbours because of the infrastructure developed in the rural Eritrea. Nothing of it is actually happening in any other African country

Map of ERITREA

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that I know of, particularly in our own neighbourhood.

Are you thinking of the guerilla bases in the north?

- Yes, and the infrastructure[3] It is quite unique. And it is unique in the sense that it was not built by outside resources. It was mostly built by people`s own capacity and the ability to do just that. The situation we were in was so desperate, so difficult that we also had to depend on outside support, humanitarian support particularly, development support, but that was really kind of short term. To be able to cope with our problems – that's very important to us as a culture.

You once mentioned »the untold story«, referring to that out of approximately four million Eritreans alltogether, maybe one million have been spread out all over the world, both in Africa and in Western Europe, Australia and so forth.

- What I mean about the untold story is that the societies we come from, specially when we are educated or when we are working or becoming productive members of the society, the same society expects a lot more from us. So in that sense a lot of the people who have been in the diaspora have been giving so much back to their own people. Starting from their own villages, like myself. I can give you one example. My family lived in the rural areas, my commitment was to make sure that they remain in the villages, despite all the difficulties. With my older brother who is educated, who worked in Saudia Arabia for ten years, we had worked out a budget for the family. Which has meant that we contributed so much money every month, he in his particular case contributed up to 300 USD every month and then sent that money back home into the village to our parents. And everyone else was doing a very similar effort over 20 years. That has meant that we have helped in the survival of our own people and of course this was an untold story because it is part of our duty to do that. We tried to maintain at least a minimal level of helping the families to feed themselves, helping them to buy animals for their farms, helping them to maintain their small farms, buy waterpumps or clothes or food or whatever. They managed, in a lot of cases a lot of our people stayed in their settlements. The majority of the Eritreans are actually still within Eritrea, I would say 65% are still within Eritrea, maybe displaced but... The contribution is considerable, a lot of Eritreans are very wealthy now, so they contribute to a great deal financially to the survival of their own families, friends and kin.

I have seen our fundraising activities, our cultural evenings where hundreds of thousands of dollars have been raised. Individuals would raise up to 5000 USD in one go. The Front has gained a great deal of material support from its own people abroad – in the Gulf, in Europe, in America, everywhere people have contributed. In fact there are even projects in Eritrea which were financed by Eritreans living abroad, for exampel the sanitary towel factory which was established 15 years ago. The towels were made for the women fighters. For that particular project money was raised by Eritrean women living abroad who had an obligation to ensure that the women fighters get sanitary towels. So that was one example of how much the people have done for themselves. Every year we had specific themes, on education, health, etc., – we have what I call campaign points where a certain amount of money is raised for a certain purpose. We even raised money for clothes for the fighters. You don't get this in a kind of official report in the same ways as with NGO or relief assistance.

If you look to how the Eritrean question has been handled in the Western European context, you will realize that there has been a very active solidarity movement. Compared to other regions of the world Eritrea has received quite some attention. The solidarity groups have assisted in raising funds and in publisising what has been happening in Eritrea.

- I think that is very true. I have actually not handled it as a topic in itself, because that to us is seen as a solidarity support, which is quite additional to us. I think the support we got from our friends internationally, either through their influence or through their material funding has been quite considerable, but that is always seen as a contribution to the overall input which the people of Eritrea has been providing themselves. One attraction for our supporters perhaps, is how much we are doing for ourselves. That has certainly been an incentive for our supporters. And also the fact that Eritreans argued more along political lines and not on ethnic or tribal sentiments, has meant that they had gained the necessary respect as a political movement.

Within Africa Eritrea had a lot of problems in the beginning regarding its status. A lot of African states saw this as a »Biafra« type or »Katanga« type movement, where one ethnic group tries to break away from a nation. Of course, that was not the case. And by any accounts the recent developments show very clearly that there has been no ethnic argument here. It was a clearcut political argument. If I give you the example of prisoners of war, which I saw myself in 1985 and 1988 when I went to Eritrea, the way the prisoners of war were treated indicated how long we had gone along the line of identifying our own selves and in identifying and respecting our neighbours. That's a very strong culture, it has fact a lot to do with our own culture: the way you treat your neighbour when they're in difficulties.

They were fed, they were trained, because of our attitude. These were mostly peasants from Oromia, from Ogaden, from Gondar – from the various parts of Ethiopia. In a sense our culture was developed and sophisticated enough to be able to understand why these people came, why they were forced to come. There was a political understanding as to why they were there in the first place, because these were innocent Ethiopians who were forcefully conscripted, – and that was clearly understood. They were not a regular army. And obviously you treat them in the same way as you treat your people, because these were people in need. I think they were productive members of the society in a way. They helped in building roads, all these beautiful roads you saw in Sahel[4]. The Ethiopian prisoners have contributed to that because they were a work force. They were not locked up all day, they had activities like sports, education, cultural activities. They grew their own food to a certain extent. They were really treated like anybody else in those hills. And that certainly gives one a great sense of pride. To me the process of reconcilitation and

Women from the province of Sahel, Eritrea. Photo: Espen Wæhle

peace has started a long time ago, at that stage, and not a few weeks ago. And this has been a long process of understanding this conflict in a proper context. The former government of Ethiopia, in Addis, wanted to put a different picture. Once the relationship between the fronts were so well established[5], in fact they coordinated activities, including military activities, in taking over the capital cities of Ethiopia and Eritrea.

The process of taking over the power has been reported to have been very orderly?

- Particularly the takeover of Eritrea was far more orderly than the takeover in Addis. I think in Addis Ababa part of the *problem* was because of the ethnicity within Ethiopia, the contradictions within the various ethnic groups, the various elements in it and then the EPDRF[6] being slightly more northernly dominated. Initially there were slight problems in taking over, as you probably know there were small skirmishes. But for Asmara there was a different case. Asmara was homecoming for the EPLF. These were your own children coming back to Asmara. So of course the mood was jubilant and the celebrations were exstatic. The mood was that of complete celebrations and I also think that of tolerance towards your former enemies. Ethiopia I think has Africas biggest army, the most organized one. In Eritrea we had 250,000 armed and non-armed Ethiopians – the 2nd Division, the strongest in Ethiopia, had the best weapons. They have not really surrendered in a solderly manner, they ran away all over the place, the surrender was very disorganized. That was very sad, because if they had surrendered in a proper way, in a solderly fashion, there would have been far fewer deaths. Because a lot of Ethiopians tried to run towards the Sudan or they were rushing to get to Ethiopia.

Have you seen any figures on the number of deaths and casualities during the days of the takeover?

- In Asmara there is even a joke now that the only shots that were fired, were fired by young Eritrean children who picked up some of the guns dropped by the Ethiopian soldiers as they ran away. So there were no casualties whatsoever in Asmara. The takeover was very orderly. I think the other beauty of it also, which will contribute to our coexsistence is the fact that there has been no bloodshed in Asmara is very important. Although the soldiers were disorganized, they were dispersed in a very disorderly fashion, but actually there was no heavy fighting as such between the Eritrean people, the Eritrean army and the Ethiopian army. If I give you the example that everything was taken intact, the offices, the government offices in Asmara, the hospitals – even the telephones and every facility was taken intact. That is really wonderful news, because its good for Eritrea that it has aquired an infrastructure, it can also bring

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in its own infrastructure from the bush, which it has. Eritreans are very lucky in a way that the infrastructure has been left intact. There are of course now major challenges for the EPLF as a new government, it is not very easy. If I could give some examples of those challenges. Firstly they have to heal these war-wounds very quickly, the psychology of war within Eritrea and also with it's neighbours. That is a process that will probably take a bit longer in reality. Although we are prepared to except this as a reality, I think it will take some more time to release all this bitterness in a slow process. Secondly the environmental challenges. Eritrea has been at war for thirty years. The economy is devastated, people have not farmed for a long time. Rains have been failing for consecutive years. Eritrea is desparately trying now to increase the food production which is very important because we feel so humiliated from the relief aid we get from the outside.

Could that possibly mean that you will expand your food production at the expense of environmental considerations? Is there a danger of starting non-sustainable development processes?

- No, that is really not the issue. You know the simple reason is that Eritrea is very hilly and mountainous. We have a very limited amount of land anyway. So the question is now how productive can we make our own vallies that have been so devastated by the war. And if we are given peace we can make those pieces of land more productive. In the same way as we always used we will introduce limited technology, irrigation – we have the capacity. And we will improve food production because this is an area which is already degraded in most cases. It has gone beyond the levels of classical degradation.

What about soil conservation, agroforestry?

- Yes, there is a strong tradition already in the mountain areas of terracing. On my own farm we used to build terraces with stones to stop the soil erosion. So there are a lot of traditional skills of hill farming which are already in place which one, in a peace situation, could very easily revive to conserve the water and the soil. And I see those now being revived very quickly.

Because of this war pastoralism, which is a major economy in Eritrea, has been diverted to the Sudan and Ethiopia. So our biggest markets, like in Asmara are going to be revived again.

Are there any estimates for the part of the population being mainly pastoral, mainly agro-pastoral and then those relying mainly on farming?

- I think I can be very misleading if I give you any figures whatsoever, because I am one of those researchers who are involved in that. So basically – there is very little reliable information. The important thing is that Eritrea traditionally has been very self-sufficient in livestock production. In FAO statistics in the 1960's and 50's we exported livestock to the neighbouring countries: hides and skins and live animals. So Eritrea was very well known for livestock products. In terms of who are pastoral and who is agropastoral I am not very confident about that. We have a very developed tradition for using oxen for ploughing, draught animals. Our lives are tied to livestock one way or the other, either through pure nomadism or through mixed farming. The pastoral groups are a major economy in Eritrea, they are very productive.

What you just said here is not a common way of recognizing and acknowledging the important role of the pastoral sector in national economies of the drylands in Africa.

- I think the realities of Eritrea also in a way is that, although in terms of nation building and the struggle, every Eritrean has taken part and they have contributed. Within Eritrea there is also a disparity in the sense that the pastoral groups deserve a lot better than in the past. They have contributed to the struggle of course. But, now it is time that we have to think about policies which are more in favour of pastoralists in the predominant pastoralist areas. So that we wouldn't impose agropastoralist's or sedentarist's modes of production on the pastoralists.

But that has happened in the past. It has been a policy of the nation states in Africa. For some time it was even the policy of the EPLF.

- The EPLF had at a time, when it was growing, a concept – I wouldn't call it a policy actually, it was an attitude that it would be nice to have our people settled and provide them with all the modern facilities: health, education, etc. This was an aspiration. Even the people that came from pastoralist areas had those aspirations for their own people in a positive sense. But the realities of Eritrea, and we are learning that now, is that pastoralist's movements are very strategic, they are environmentally sound. These people have adjusted the modes of use of the range resources in ways that suit them. So we are actually now questioning ourselves in a way: how we can better develope the pastoral sector in a pastoralist way. PENHA's committment is that we as a regional group, and I am very proud to be a member of this group, can look at these pastoralist issues from a more global and regional aspect. So the experience of Eritrea, if it is a positive one, could contribute to the other overall development in the Horn.

Particularly the health delivery system which the EPLF has developed among the pastoralists is very worthwhile to our neighbours. And if we could repeat those kind of successfull experiences in other areas: in education, range management and in institution building – and also in the whole way of how we orient education and training in pastoral areas.

We have got very different pastoral production systems in Eritrea, which I think PENHA will contribute to, in studying a lot and contributing to the knowledge. I think there is a knowledge within the EPLF regarding these communities, but it is really not formulated into a policy. There is concern, of course there is, but we are thinking more of the general debate and kind of effective response to pastoral areas. But you know basically the difference in Eritrea is that these pastoral groups have been crucial in the liberation struggle -all the way from the 60's. They are a part of it. They were the best fighters. So they have actually a share in this cake, whether we like it or not, by right, by the fact that they fought this war and the fact that they were a political party toit. They actually have a major clout in this. By that I mean whether we can convert the political commitment they have into action, into policy, so that we are more responsive

to the needs of these people, will be able to make pastoralism more productive. Rather than impose other modes of production which may be too alien to these people.

As a matter of fact a lot of the pastoralists have adopted anyway. A lot of them are now highly educated, they have sent their children to Khartoum, Sudan to the university. A lot of the liberation movement of the past has done a great deal in education. So in terms of literacy, the pastoralists in Eritrea now are quite considerably advanced. You find a lot of educated pastoralists and they will speak for themselves. There will not be someone from a sedentarist background that will come and tell them what to do. They will themselves be able to demand it, because they have taken part in the process of a long struggle for Eritrea.

View from the province of Sahel, Eritrea. Photo: Espen Wæhle

When I had the pleasure of discussing these issues in May 1991 with Mr. Isaias Afwerki, the Secretary General of the EPLF, he pointed to the the past pastoralist settlement projects was, in the experience of the EPLF, something that the pastoralists did not want. The argument he used very much was that if a people have a desire for a certain type of lifestyle, and that seen as a kind of total package, it would be a violation of their basic rights and their dignity if you force them to do something against their own will. In that respect I saw a shift in policy from the side of the EPLF.

- Our role as educated Eritreans, with a bit of a kind of wider perspective on issues, has always been to contribute to this ongoing debate. And I think Afwerki's remarks were very much a contribution to the ongoing debates. Forced sedentarization of pastoral groups is against human rights, of course. We are now in the process of working on how and what we are going to do, that is really the stage the debate is at.

I also raised another related issue with Mr. Afwerki. There are now many eyes on Eritrea. The outer world is aware of what happened to other guerilla movements as they took power after liberation wars and turned into a new sort of exploitive and supressive elite themselves. Not only Afwerki, but other people I met, stressed that the Eritreans have studied and learnt from other liberation movements' mistakes in Africa and elsewhere.

- In Eritrea I hope very much, and this is my personal opinion that, because of the scale of the suffering we had and also the experience we gained, the capacity we accumulated over the many, many years, and the attitude that we have developed and also the survival strategy which has been built within us to cope with situations as they came, that we will be able to show another type of development.

What has the war and the liberation process meant for the gender relation issue?

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- The role of the women in our society is now completey changed beyond return. To us now we have seen what the women can do for themselves. And this had such a positive impact in our society. Marriage alliances, the whole question of dowry, the whole concept of buying women by material means – this has completely and radically changed.

It is not only a type of rhetoric then?

- There has been so many changes in our society, including the question of women, the way we look at ourselves, the way we have built our own survival – the untold stories. And I think a lot of the changes will stay in Eritrea. I don't think we've been in the position where the war is just over and then everything that has been built up over many years will just collapse. It has been such an experience, which you can't give away.

Will you Eritreans continue on the same level of self sacrifice?

- My personal opinion is that I doubt this very much. The fighters have come back home. They will have their own responsibilities, their own aspirations. The fighters committment and the sacrifice in the bush[7] was very extreme, obviously! I sympathize with a lot of my country people who have given up half of their lives doing this, fighting, dying for what they believe in. It would be unrealistic to expect them to continue with the same level of committment. This would be asking too much in a way, but I can see perhaps the general attitude will continue, that you have to build your own country and play a role within the region. The fighters are human beings, they have needs now. When you go to Asmara it is a cold place, it is a big city. If you are a medic there you are going to need a house, your life is becoming more expensive. Whereas the life in the field is very straightforward, very simple and communal.

A lot of people are returning back now with money, ideas and expertice. This trend has now started. We were worried about our people being outside for such a long time. Realistically you cannot expect all of them back, nor is it necessary. But I think the people with the capital, with the skills and the resources who can contribute to the immediate viability of this nation, will play a crucial role. Our boys are everywhere, in various corners and there are various ways to contribute to Eritrea.

And your girls also I think!

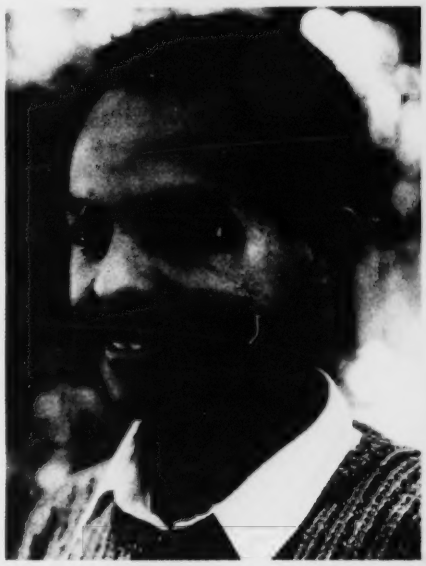
- Yes of course, it is chauvinistic of me. Our girls have done a lot better in the last thirty years because of the war. They have really changed our mentality in many ways. We are traditionally a very male dominated society. The boys for example always had a better chance in education. We will see a new Eritrea in fact in terms of gender relationships. I don't mean it in a kind of European (women's lib), in a romantic way. The changes which have taken place are fundamental as has been reported by various researchers.

The women have been fighters as well in the liberation front?

- Yes, they constitute something like 35 % of the EPLF forces, in all sectors from civil administration to the front. My generation of course have developed a completely different attitude regarding women, our attitudes towards our own children has changed. Of course this is a very radical change. Some of our neighbours, eg. the conservative Arab countries don't like it, so there is some kind of a problem there.

The EPLF is now heading an interim government. What is now lying ahead of you in respect of political development?

- Well the new government has now established its priorities very clearly, first the rehabilitiation of the country, morally, psychologically – we need to settle down a bit, to think for ourselves. Because we have been trough a trauma for a long time. This is very difficult to explain to outsiders who have not been through the process. That is what the EPLF is doing now. So in terms of priorities, the rehabilitation of the people, and by that I mean people in the diaspora, in the Sudan - half a million of them. That's their prime priority to bring these people home to Eritrea. To ensure that these displaced people, who have contributed so much, return back to their own settlements. And secondly, to run an effective government, by that I mean to run the infrastructure of the government, to run the schools, to run the hospitals – to run the machinery. That's very important, to form a strong administration in Eritrea to be sure that the referendum also becomes a success. What I feel is that if this referendum is going to be successful, Eritrea needs to show the world that we are capable of running our affairs. That's very criticial for us as a people. So in a sense stabilization and security is important. The EPLF will maintain a very strong security until after the referendum.



Dr. Zeremarian Fre, from PENHA. Photo: Espen Wæhle

When is the referendum going to take place?

- I think in about two years. The ordinary Eritrean is now not very concerned about the referendum. This is the general attitude. The war is over, it is over in a less bloody fashion, the blue Eritrean flag which has given people a sense of identity is back. Now is the difficult business of really building the nation.

All the people I met in Eritrea and in Sudan were very confident that the referendum will only be a democratic excersise, they were confident that there would be a solid majority for independence for Eritrea.

- That is very true I think. I don't have any doubts. I share that confidence that there will be no problem. It is a foregone conclusion. But I think more importantly, a lot of

us are really concerned about the viability of Eritrea, it's own confidence as a nation. Not only its own flag, its own parliament, but to be a viable country. We want to do it for ourselves – with all the problems that we still have, in terms of the ecological, social and political challenges.

This question links into international politics, especially the Organization of African Unity (OAU). Some political forces outside Africa, like the superpowers, seem to be less negative towards a possible independence for Eritrea compared to African governments.

- If I can be very cynical about this, there doesn't seem to be any other choice really - frankly speaking. Because the Eritreans have achieved what they have done in their own way, because they are able to negotiate with an enemy that they had yesterday. I think this has contributed so much to the change of attitudes internationally.

I constantly heard in Eritrea people saying »we did not fight thirty years for some ministerial posts«, implying that Eritreans did not fight for influence within Ethiopia, but for independence. That attitude was also reflected very clearly when the Eritrean delegation came to Addis Ababa after the EPDRF takeover, they presented themselves as observers in the negotiations on a future government in Ethiopia, and not as the other representatives that were delegates.

- This is true, yes.

The Eritreans also offered the Ethiopians access to the sea through the port of Assab.

- This is very crucial. This is the whole idea of regional cooperation in a practical sense. It is already happening in a small scale. I think the general understanding, which the populace has understood, we cannot just live in peace with Ethiopia if Ethiopia is blocked out.

Do you mean that as Eritrea is already a de facto independent state, though not recognized internationally in a legal fashion, implies that your neighbours already act as if you were an independent state?

- Yes, if I can give you an example. When the leader of the new government of Eritrea gathered in with well over 200,000 in the Asmara stadium for the celebrations after liberation, he was flanked by the foreign ministers of the Sudan and the foreign minister of Ethiopia. And that's psychologically very important, politically it means those to major neighbours are now de facto recognizing the government of Eritrea. Officially Eritrea now has a high commissioner, catering for areas of joint interest, in Addis Ababa, Ethiopia. Psychologically for the ordinary Ethiopian who has been told for so many years, that those are the bandits in the hills, they are going to take your country. It must be quite a drastic change to see the enemies that you have been fighting for a long time, to see them at your doorstep, you know, it is really very dramatic. The best guarantee for Eritrean independence is for it to able to live with its neigbours in peace and cooperation.

Is the EPLF the only political force within the interim government or are other political groupings included?

- The EPLF has actually become the interim government for this two-year period. I don't know what is going to happen in the process. The ELF, the former movement which was the political organization for quite a long time, has disintegrated into so many bits. It has become difficult really for EPLF to intergrate ELF in this new government as ELF. The ELF was quite a movement a few years back. A lot of the figthers of ELF now are returning back to Eritrea, while some do not want to go back and remain as refugees, to make up some bad stories on what is going on in Eritrea.

In terms of political parties the choice now is between making the EPLF a very weak movement or let it administer the country in this interim period. Once you have guaranteed the full independence of the country, there was always a tradition of multi-party politics. In the fifties we had four or five different political parties in Eritrea ruling and competing for power. So I can see that once this period is over there are going to be many political parties in Eritrea. I don't think the EPLF would be a monolitic one-party state, that is out of the question and that would not be acceptable. We have so much political tradition of the past that Eritrea cannot be ruled by one political party or one ethnic group. We now need a strong administration which will reduce some of our physical suffering, and the EPLF has much of the infrastructure already, but needs a great deal of moral, material and institutional support to address the challenge.

Please come with some kind of concluding remark, what is in your heart, what is in your mind?

- Firstly, I am very glad that this is over, as a major war in our region. It will have a very positive impact on our neighbours. My own vision is that the Eritrean leaders would become mediators in the other regional concflicts. This is maybe a bit ambitious, but that is what I would like to aspire to. I think infrastructurally and economically Eritrea is going to be a model state and to show its capactiy now that peace is there. Eritrea should set up a model for regional cooperation, which has already started. Because realistically we know that we need each other, politically and economically, in the region. This Eritrean – Ethiopian relationship could actually have a positive impact on our neighbours. Eritrea and Ethiopia are major countries in the region, they are very powerful in terms of manpower etc. In fact I am very optimistic. I was very pessimistic a few years ago, that this war was going to continue, that this war was going to drain all of our resources leading to mutual destruction of both countries. The language, however, has now changed from war to peace, and peace should be given a chance.

Notes

1. The views expressed here are intended to inform the public and provoke debate on the subject. They do not necessarily reflect PENHA's views on the matter.
2. Fre is here referring to the Eritrean People's Liberation Front, EPLF.
3. In the north the Eritreans built underground schools, hospitals, factories, workshops and laboratories. Roads and other forms of communication were also constructed.
4. Zeremariam Fre is here referring to the Eritrean province called Sahel,

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which the interviewer visited in May 1991.

5 **(note on EPLF, TPLF, EPDRF etc)**Bhey coordinated activities, including military activities, in taking over the capital cities of Ethiopia and Eritrea.

6 Ethiopian People's Revolutionary Democratic Front – the front that lead the war against the regime of Menghistu, within this front the TPLF, Tigray People's Liberation Front, have been the dominating political fact

7 When Eritreans refer to the field or the bush they are thinking about the former guerilla bases and strongholds in the hilly, northern parts of Eritrea.

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5 IWGIA DOCUMENTS ON

BRASIL

19. The Brazilian Indigenous Problem and Policy: THE ARIPUANA PARK
by Jean Chiappino, 1975

22. The YANOMAMI in the Face of Ethnocide
by Jacques Lizot, 1976

32. The Integration of the Indigenous Peoples of the Territory of RORAIMA, Brazil
by Ernest C. Migliazza, 1978

44. Indian Areas threatened by HYDROELECTRIC PROJECT in Brazil
by Paul Aspelin & Silvio dos Santos, 1981

59. THE ARIPUANA PARK and the Polonoroeste Programme
by Carmen Junquiera and Betty Mindlin, 1987

$ 10 + Postage for all 5 Documents

The World Bank Operational Manual

Operational Directive
Indigenous Peoples

Introduction

1. This directive describes Bank policies and processing procedures for projects that affect indigenous peoples. It sets out basic definitions, policy objectives, guidelines for the design and implementation of project provisions or components for indigenous peoples, and processing and documentation requirements.

2. The directive provides policy guidance (a) ensure that indigenous people benefit from developments projects, and (b) avoid or mitigate potentially adverse effects on indigenous people caused by Bank-assisted activities. Special action is required where Bank investments affect indigenous peoples, tribes, ethnic minorities, or other groups whose social and economic status restricts their capacity to assert their interests and rights in land and other productive resources.

Definitions

3. The terms »indigenous peoples,« »indigenous ethnic minorities,« »tribal groups,« and »scheduled tribes« describe social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged in the development process. For the purposes of this directive, »indigenous peoples« is the term that will be used to refer to these groups.

4. Within their national constitutions, statutes, and relevant legislation, many of the Bank's borrower countries include specific definitional clauses and legal frameworks that provide a preliminary basis for identifying indigenous peoples.

5. Because of the varied and changing contexts in which indigenous peoples are found, no single definition can capture their diversity. Indigenous people are commonly among the poorest segments of a population. They engage in economic activities that range from shifting agriculture in or near forests to wage labor or even small-scale marketoriented activities. Indigenous peoples can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:

(a) a close attachment to ancestral territories and to the natural resources in these areas;
(b) self-identification and identification by others as members of a distinct cultural group;
(c) an indigenous language, often different from the national language;
(d) presence of customary social and political institutions; and
(e) primarily subsistence-oriented production.

Task managers (TMs) must exercise judgment in determing the populations to which directive applies and should make use of specialized anthropological and sociological experts throughout the project cycle.

Objective and Policy

6. The Bank's broad objective towards indigenous people, as for all the people in its member countries, is to ensure that the development process fosters full respect for their dignity, human rights, and cultural uniqueness. More specifically, the objective at the center of this directive is to ensure that indigenous peoples do not suffer adverse effects during the development process, particularly from Bank-financed projects, and that they receive culturally compatible social and economic benefits.

7. How to approach indigenous peoples affected by development projects is a controversial issue. Debate is often phrased as a choice between two opposed positions. One pole is to insulate indigenous populations whose cultural and economic practices make it difficult for them to deal with powerful outside groups. The advantages of this approach are the special protections that are provided and the preservation of cultural distinctiveness; the costs are the benefits foregone from development programs. The other pole argues that indigenous people must be acculturated to dominant society values and economic activities so that they can participate in national development. Here the benefits can include improved social and economic opportunities, but the cost is often the gradual loss of cultural differences.

8. The Bank's policy is that the strategy for adressing the issues pertaining to indigenous peoples must be based on the informed participation of the indigenous people themselves. Thus, identifying local preferences through direct consultation, incorporation of indigenous knowledge into project approaches, and appropriate early use of experienced specialists are core activities for any project that affects indigenous peoples and their rights to natural and economic resources.

9. Cases will occur, especially when dealing with the most isolated groups, where adverse impacts are unavoidable and ad-

equate mitigation plans have not been developed. In such situations, the Bank will not appraise projects until suitable plans are developed by the borrower and reviewed by the Bank. In other cases, indigenous people may wish to be and can be incorporated into the development process. In sum, a full range of positive actions by the borrower must ensure that indigenous people benefit from development investments.

Bank Role

10. The Bank adresses issues on indigenous peoples through (a) country economic and sector work, (b) technical assistance, and (c) investment project components or provisions. Issues concerning indigenous peoples can arise in a variety of sectors that concern the Bank; those involving, for example, agriculture, road construction, forestry, hydropower, mining, tourism, education and the environment should be carefully screened. (Displacement of indigenous people can be particularly damaging, and special efforts should be made to avoid it. See OD 4.30, **Involuntary resettlement**, for additional policy guidance on resettlement issues involving indigenous people). Issues related to indigenous peoples are commonly identified through the environmental assessment or social impact assessment processes, and appropriate measures should be taken under environmental mitigration actions (see OD 4.01, **Environmental Assessment**, to be issued).

11. **Country Economic and Sector Work.** Country departments should maintain information on trends in government policies and institutions that deal with indigenous peoples. Issues concerning indigenous peoples should be adressed explicitly in sector and subsector work and brought into the Bank-country dialogue. National development policy frameworks and institutions for indigenous peoples often need to be strenghtened in order to create a stronger basis for designing and processing projects with components dealing with indigenous peoples.

12. **Technical assistance**. Technical assistance to develop the borrower's abilities to adress issues on indigenous peoples can be provided by the Bank. Technical assistance is normally given within the context of project preparation, but technical assistance may also be needed to strenghten the relevant government institutions or to support development initiatives taken by indigenous people themselves.

13. **Investment Projects**. For an investment project that affects indigenous peoples, the borrower should prepare an indigenous peoples development plan that it consist with the Bank's policy. Any project that affects indigenous peoples is expected to include components or provisions that incorporate such a plan. When the bulk of the direct project beneficiaries are indigenous people, the Bank's concerns would be addressed by the project itself and the provisions of this OD would thus apply to the project in its entirety.

Indigenous Peoples Development Plan

(Regionally specific technical guidelines for preparing indigenous peoples components, and case studies of best practices, are available from the Regional environment divisions (REDs)).

14. Prerequisites of a successful development plan for indigenous peoples are as follows:

(a) The key step in project design is the preparation of a culturally appropiate development plan based on full consideration of the options preferred by the indigenous people affected by the project.

(b) Studies should make all efforts to **anticipate adverse trends** likely to be induced by the project and develop the means to avoid or mitigrate harm. (For guidance on indigenous peoples and environmental assessment procedures, see OD 4.01, **Environmental Assessment**, and Chapter 7 of World Bank, **Environmental Sourcebook**, Technical Paper No. 139 (Washington, D.C., 1991)).

(c) The institutions responsible for government interaction with indigenous peoples should possess the social, technical, and legal skills needed for carrying out the proposed development activities. Implementation arrangements should be kept simple. They should normally involve appropiate existing institutions, local organisations, and nongovernmental organisations (NGOs) with expertise in matters relating to indigenous peoples.

(d) Local patterns of social organisation, religious beliefs, and resource use should be taken into account in the plan's design.

(e) Development activities should support production systems that are well adapted to the needs and environment of indigenous peoples, and should help production systems under stress to attain sustainable levels.

(f) The plan should avoid creating or aggravating the dependency of indigenous people on project entities. Planning should encourage early handover of project manage,ment to local people. As needed, the plan should include general education and training in management skills for indigenous people from the onset of the projects.

(g) Successful planning for indigenous peoples frequently requires long lead times, as well as arrangements for extended follow-up. Remote or neglected areas where little previous experience is available often require additional research and pilot programs to fine-tune development proposals.

(h) Where effective programs are already functioning, Bank support can take the form of incremental funding to strenghten them rather than the development of entirely new programs.

Contents

15. The development plan should be prepared in tandem with the preparation of the main investment. In many cases, proper protection of the rights of indigenous people will require the implementation of special project components that may lie outside the primary project's objectives. These components can include activities related to health and nutrition, productive infrastructure, linguistic and cultural preservation, entitlement to natural resources, and education. The project component for indigenous peoples development should include the following elements, as needed:

(a) Legal Framework.
The plan should contain an assessment of (i) the legal status of the groups covered by this OD, as reflected in the country's constitution, legislation, and subsidiary legislation (regulations, administrative orders, etc.); and (ii) the ability of such groups to obtain acess to and effectively use the legal system to defend their rights. Particular attention should be given to the rights of indigenous peoples to use and develop the lands that they occupy, to be protected against illegal intruders, and to have access to natural resources (such as forests, wildlife, and water) vital to their subsistence and reproduction.

(b) Baseline Data.
Baseline data should include:
(i) accurate, up-to-date maps and aerial photographs of the area of project influence and the areas inhabited by indigenous peoples;
(ii) analysis of the social structure and income sources of the population;
(iii) inventories of the resources that indigenous people use and technical data on their production systems; and
(iv) relationship of indigenous peoples to other local and national groups. It is particularly important that baseline studies capture the full range of production and marketing activities in which indigenous people are engaged. Site visits by qualified social and technical experts should verify and update secondary sources.

(c) Land Tenure.
When local legislation needs strenghtening, the Bank should offer to advise and assist the borrower in establishing legal recognition of the customary or traditional land tenure systems of indigenous peoples. Where the traditional lands of indigenous peoples have been brought by law into the domain of the state and where it is inappropriate to convert traditional rights into those of legal ownership, alternative arrangements should be implemented to grant long-term, renewable rights of custodianship and use to indigenous peoples. These steps should be taken before the initiation of other planning steps that may be contingent on recognized land titles.

(d) Strategy for Local Participation.
Mechanisms should be devised and maintained for participation by indigenous people in decision making throughout project planning, implementation, and evaluation. Many of the larger groups of indigenous people have their own representative organisations that provide effective channels for cummunicating local preferences. Traditional leaders occupy pivotal positions for mobilizing people and should be brought into the planning process, with due concern for ensuring genuine representation of the indigenous population. (See also »Community Involvement and the Role of Nongovernmental Organisations in Environmental Assessment« in World Bank, **Environmental Sourcebook**. Technical paper No. 139 (Washington, D.C., 1991)) No foolproof methods exist, however, to guarantee full local-level participation. Sociological and technical advice provided through the Regional environment divisions (REDs) is often needed to develop mechanisms appropriate for the project area.

(e) Technical Identification of Development or Mitigation Activities. Technical proposals should proceed from on-site research by qualified professionals acceptable to the Bank. Detailed descriptions should be prepared and appraised for such proposed services as education, training, health, credit, and legal assistance. Technical descriptions should be included for the planned investments in productive infrastructure. Plans that draw upon indigenous knowledge are often more successful than those introducing entirely new principles and institutions. For example, the potential contribution of traditional health providers should be considered in planning delivery systems for health care.

(f) Institutional Capacity.
The government institutions assigned responsibility for indigenous peoples are often weak. Assessing the track record, capabilities, and needs of those institutions is a fundamental requirements. Organisational issues that need to be addressed through Bank assistance are the (i) availability of funds for investments and field operations; (ii) adequacy of experienced professional staff; (iii) ability of indigenous peoples' own organisations, local administration authorities, and local-NGOs to interact with specialized government institutions; (iv) ability of the executing agency to mobilize other agencies involved in the plan's implementation; and (v) adequacy of field presence.

(g) Implementation Schedule.
Components should include an implementation schedule with benchmarks by which progress can be measured at appropriate intervals. Pilot programs are often needed to provide planning information for phasing the project component for indigenous peoples with the main investment. The plan should pursue the long-term sustainability of project activities subsequent to completion of disbursement.

(h) Monitoring and Evaluation.
(See OD 10.70, Project Monitoring and Evaluation). Independent monitoring capacities are usually needed when the institutions responsible for indigenous populations have weak management histories. Monitoring by representatives of indigenous peoples own organisations can be an efficient way for the project management to absorb the perspective of indigenous beneficiaries and is encouraged by the Bank. Monitoring units should be staffed by experienced social science professionals, and reporting formats and schedules appropriate to the project's needs should be established. Monitoring and evaluation reports should be reviewed jointly by the senior management of the implementing agency and by the Bank. The evaluation reports should be made available to the public.

(i) Cost Estimates and Financing Plan.
The plan should include detailed cost estimates for planned activities and investments. The estimates should be broken down into unit costs by project year and linked to a financing plan. Such programs as revolving credit funds that provide indigenous people with investment pools should indicate their accounting procedures and mechanisms for financial transfer and replenishment. It is usually helpful to have as high a share as possible of direct financial participation by the Bank in project components dealing with indigenous peoples.

Project Processing and Documentation

Identification
16. During project identification, the borrower should be informed of the Bank's

policy for indigenous peoples. The approximate number of potentially affected people and their location should be determined and shown on maps of the project area. The legal status of any affected groups should also be discussed. TMs should ascertain the relevant government agencies, and their policies, procedures, programs, and plans for indigenous people affected by the proposed project (see paras. 11 and 15(a)). TMs should also initiate anthropological studies necessary to identify local needs and preferences (see para. 15(b)). TMs, in consultation with the REDs, should signal indigenous peoples issues and the overall project strategy in the Initial Executive Project Summary (IEPS).

Preparation

17. If it is agreed in the IEPS meeting that special action is needed , the indigenous peoples development plan or project component should be developed during project preparation. As necessary, the Bank should assist the borrower in preparing terms of reference and should provide specialized technical assistance (see para. 12). Early involvement of anthropologists and local NGOs with expertise in matters related to indigenous peoples is a useful way to identify mechanisms for effective participation and local development opportunities. In a project that involves the land rights of indigenous peoples, the Bank should work with the borrower to clarify the steps needed for putting land tenure on a regular footing as early as possible, since land disputes frequently lead to delays in executing measures that are contingent on proper land titles (see para. 15(c)).

Appraisal

18. The plan for the development component for indigenous peoples should be submitted to the Bank along with the project's overall feasibility report, prior to project appraisal. Appraisal should assess the adequacy of the plan, the suitability of policies and legal frameworks, the capabilities of the agencies charged with implementing the plan, and the adequacy of the allocated technical, financial, and social resources. Appraisal teams should be satisfied that indigenous people have participated meaningfully in the development of the plan as described in para. 14(a) (also see para. 15(d)). It is particularly important to appraise proposals for regularizing land access and use.

Implementation and Supervision

19. Supervision planning should make provisions for including the appropriate anthropological, legal, and technical skills in Bank supervision missions during project implementation (see para. 15(g) and (h), and OD 13.05, **Project Supervision).** Site visits by TMs and specialists are essential. Midterm and final evaluations should assess progress and recommend corrective actions when necessary.

Documentation

20. The borrower's commitments for implementing the indigenous peoples development plan should be reflected in the loan documents; legal provisions should provide Bank staff with clear benchmarks that can be monitored during supervision. The Staff Appraisal Report and the Memorandum and Recommendation of the President should summarize the plan or project provisions.

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IWGIA Documents on North America

14. Native people in areas of International Expansion: Indians and Inuit in Canada , 1972	$ 2.50
62. Critical Issues in Native North America Vol. 1 , 1989	$ 11.60
63. Indigenous Self-development in the Americas , 1989	$ 10.00
68. Critical Issues in Native North America Vol. 2 , 1991	$ 11.60

The Deprung Manifest or Democracy in Tibet

By Ronald Schwartz

Tibet, Central Asia

On November 30, 1989, Ngawang Phulchung, a 30 year-old mong from Drepung monastery, was sentenced at a mass rally in Lhasa to 19 years in prison for »organizing and joining a counter-revolutionary clique and spreading counter-revolutionary propaganda.« He and three other Drepung monks -Ngawang Osel, Jamphel Changchup and Kelsang Dondrup – were accused of producing »counter-revolutionary literature« which attacked the Chinese government and »venomously slandered our socialist system characterized by the People's democratic dictatorship.« The other monks all received sentences longer than ten years. These are the longest sentences handed out for the political offence of writing leaflets and pamphlets since the resurgence of protest in Tibet in 1987 (much longer than recent sentences of democracy activists in denunciations of the »crimes« of the monks, and the public spectacle of a mass sentencing rally indicate how seriously the Chinese perceive the threat posed by the ideas of the Drepung monks.

Two years earlier, on September 27, 1987, the four monks were among 21 monks from Drepung monastery who staged the first in a continuing series of peaceful demonstartions led by monks and nuns. The demonstrators were beaten by police, arrested,
and imprisoned without charges for four months. They were released in January, 1988, reportedly on the advice of the Panchen Lama, who argued for »leniency« and dismissed the demonstrations as the result of »lingering wounds created in the minds of people« from 20 years of »erroneous leftist ideology.« Reform-minded government officialsinsisted that a policy of economic prosperity for Tibetans combined with a measure of religious toleration would quell nationalist discontent.

Within a few months of their release the Drepung group began publishing political leaflets using primitive stencils. From the outset the group described its aims as »political education« rather than propaganda. One of their first projects was to distribute a Tibetan translation of the Universal Declaration of Human Rights. From rural backgrounds themselves, their literature was meant to be taken back to villages to counter the arguments of Party officials that Tibetan independence is to equated with »feudalism« and that only Chinese rule offers progress and modernization to Tibet. The real threat posed by the Drepung monks, who have given a voice to a widespread indigenous democracy movement among young Tibetans, is their identification of Tibetan independence with democracy and human rights, and their refusal to be drawn into a debate about the merits of the »old society.«

In the summer of 1988 the Drepung group produced the »Precious Democratic Constitution of Tibet,« an original piece of political writing, perhaps the first to come from the generation of young Tibetans who have grown up under Chinese rule. The eleven-page pamphlet is a manifesto for an independent democratic Tibet. In response to the continuing demonstrations since 1987, monks in monasteries – along with ordinary Tibetans in neighborhood-committees and work-units – have been subjected to a campaign of political meetings to »root out and suppress splittism.« The Drepung manifesto answers the arguments of the political cadres in these meetings . Much of the political vocabulary of the Drepung manifesto is borrowed from the communist lexicon (words for »democracy« and »human rights« were in fact introduced into the Tibetan language to translate Chinese communist material). Thus, outlining the conditions necessary for a »people's government,« the term »people« is explained as referring to the »broad masses,« and democracy is defined as »a popular system which fundamentally accords with the needs, wishes and choices of the broad masses.« The Drepung manifesto emphasizes the limited and representative character of government:

> *»As for the means for progress in the future, it is necessary to build political and social organisation on the basis of the cooperation and consent of the broad masses of Tibet. This kind of organisation must be constructed by the broad masses or by their representatives whose powers are limited by the people. Apart from that, an organization built on the rule of force and coercion can never be justified. With regard to the representatives, both the nomination of the representatives and their election must be decided according to the wishes of the masses. Such a system of government is a democratic system.«*

Chinese rule in Tibet is understood throughout not merely as foreign occupation, which Tibetans do not need to be convinced of, but as undemocratic and

unrepresentative. The Drepung Manifesto provides an appraisal of the 1963 constitution for an independent Tibet drawn up by the Dalai Lama and the Tibetan government-in-exile, emphasizing all of the obligatory rights and freedoms of Western societies – political equality, freedom of thought, assembly, religion:

»Under the broad framework provided by the democratic constitution, people with different individual views of what course of action to follow, by exercising their democratic prerogatives, will also be able to practice what they think without need of fear, hypocrisy, or concealment.«

But the Drepung manifesto does not suggest a political role either for the Dalai Lama or for his traditionally-appointed cabinet, the Kashag. This is a major departure both from the 1963 constitution and from the actual operation of the government-in-exile.

The Drepung manifesto explicitly rejects the »old society,« and insists that an independent Tibet will be a break, historically and politically, with the past:

»Having completely eradicated the practices of the old society with all its faults, the future Tibet will not resemble our former condition and be a restoration of serfdom or be like the so-called »old system« of rule by succession of feudal masters or monastic estates. A principle line of argument of the political cadres has been that the splittists want to restore »feudalism.« The undesirability of the old society is a point the monks willingly concede. As they see it, the Chinese system is now the main obstacle to social progress. Thus the Drepung monks focus on the political rights and freedoms that they understand to be characteristic of contemporary democratic societies, but which China denies«.

Another accusation made in political meetings is that the monks aim to restore the political privileges of the monasteries (»lamaism« in the Chinese lexicon). Significantly, the Drepung manifesto excludes any special political role for the monks or the monasteries. The Drepung manifesto is religiously undogmatic, and Buddhism is characterized as a set of moral principles compatible with democracy and human rights. The Buddhism of the young monks and nuns in Tibet is a religion that has been stripped to its essentials. The elaborate ritual of the traditional religion largely has been lost. But Buddhism offers an intellectual alternative to Marxist ideology that is identified with the Tibetan national cause. From Buddhism also comes a commitment to non-violence and respect for the integrity of the induvidual. Thus the Drepung manifesto

Nomadic Tibetans. Photo: Anders Højmark Andersen

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counters Chinese claims by insisting that it is Buddhism which is consistent »with the general practice of the contemporary world,« not communism.

Ngawang Phulchung and the other three Drepung monks were arrested in April, 1989, one month after the declaration of martial law in Lhasa. There is no evidence that they participated in the demonstrations and riots that led up to martial law. An official statement broadcast on Radio Lhasa on the day of the sentencing denounced the ideas of the Drepung monks, declaring that the »crimes committed by Ngawang Phulchung and other criminals demonstrate that the so-called human rights, freedoms, and democracy played up by the seperatists both at home and abroad are nothing but a pack of deceitful lies.« The monks were described as the »scum of the religious circles« who have »thoroughly betrayed the religious doctrines and canons of Buddhism by their actions.« The Chinese have no choice but to restrict Buddhism to a collection of vestigial superstitions. Ultimately, the threat posed by the development of a politically-active form of Buddhism is that it will focus Tibetan discontent on the system of communist rule and that the demand for independence will become synonymous with demands for democracy in Tibet.

The Precious Democratic Constitution of Tibet

Although it is difficult to describe what our future situation will be, it is the resposibility of everyone to prepare for the future. If Tibetans continue to struggle with a courageous determination based on the force of established truth, we will not always have to remain under the foreign Chinese invaders; possessing the right to self-determination in accordance with international law, there is no doubt that we will be able to enjoy the splendour of all religious and political freedoms. Having completely eradicated the practicesof the old society with all its faults, the future Tibet will not resemble our former condition and be a restoration of serfdom or be like the so-called 'old system' of rule by a succession of feudal masters or monastic estates. Understanding that a democratic embodying both religious and secular principles is necessary, and for the purpose of demonstrating the future way forward for the Tibetan people, His Holiness the Dalai Lama has bestowed a national law for a future Tibet that accords with the general practice of the contemporary world. This constitution is based on the sacred teachings elegantly spoken by the Buddha, as well as the United Nations declaration of human rights, the right to self-determination, and the proclaimed authority to exercise the right to self-determination.

In this constitution there is equality without discrimination between clergy and laypersons, or on the basis of sex, language, religion, social origin, race, wealth, region, or any other status (Article 8). The inhumane treatment of subjects will cease; slavery, exploitative labour, and child labour are not permitted (Article 17). Furthermore, the constitution clearly proclaims that each Tibetan has an equal right to freedom of thought, conscience, and religion (Article 17), freedom of assembly, the right to life, to vote, freedom of movement, freedom of employment, freedom of expression, and the right to form associations (Article 18, 20). A broad and denocratic path for developing society through the freedom and free choice of the people has been settled on.

In order to pracrice democracy embodying religious and secular principles, it is necessary to understand well the meaning of the term 'democracy' (dmangs gtso). For example, the first syllable, 'people' (dmangs), refers to the broad masses, not to a few people, and does not differentiate on the basis of heredity, power, or wealth. Their thoughts are paramount; or, in other words, the broad masses are held to be the final authority. Also, speaking from another point of view, if we take the case of our Tibetan people, the term 'peo-

Chinese troops during the invasion of Tibet. Photo. Archive IWGIA

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Tibetan monk. Photo: Anders Højmark Andersen

ple' (dmangs) refers to the broad masses of the three provinces of Tibet. As for the second syllable (gtso), it should be understood to mean regarding the thoughts and wishes of the people as paramount. Reasoning thusly, 'democracy' (dmangs gtso) refers to a popular system which fundamentally accords with the needs, wishes, and choices of the broad masses. Under the broad framework provided by the democratic constitution, people with different individual views of what course of action to follow, by exercising their democratic prerogatives, will also be able to practise what they think and speak without need of fear, hypocrisy and concealment.

As for the means for progress in the future, it is necessary to build political and social organisation on the basis of the co-operation and consent of the broad masses of Tibet. This kind of organisation must be constructed by the broad masses or by their representatives whose powers are limited by people. Apart from that, an organisation built on the rule of force and coercion can never be justified. With regard to the representatives, both the nomination of the representatives and their election must be decided according to the wishes of the masses. Such a system of government is a democratic system. Thus the Assembly of People's Deputies plays the leading role in the conduct of the National Assembly for the purpose of the Tibetan government deciding vital important decisions. Likewise, if we take the example of the cooperative settlement societies, the representatives elected by the people of that area decide important decisions on a majority basis.

Not only is this democratic system in accordance with contemporary conditions, it is also in accordance with the philosophy of Buddhism. Only if the future government of Tibet is a government formed by the people, embodying religious and secular principles, then can such a government be accepted as being a people's government. A constitution for a future Tibet should be based on the contemporary system of democracy and should also accord with the actual situation in Tibet.

In order to exercise equality, freedom, and democratic rights, it is necessary to clearly understand the fundamental nature of democracy. Democracy does not mean being allowed to do whatever one feels like doing without any respect for order. Neither do democratic rights excuse pursuing selfish interests without the need to fulfill corresponding democratic responsibilities.

In summary, in order for Tibet to be administered in the future by Tibetans, and for Tibetans to decide Tibetan affairs, and in order for Tibetans to be able to exercise for themselves the rights intended by the precious constitution, we must remind ourselves that everyone, young and old, must steadfastely do whatever they can in every way, directly and indirectly, for the movement to restore Tibetan freedom.

(translated by Ronald Schwartz) ❑

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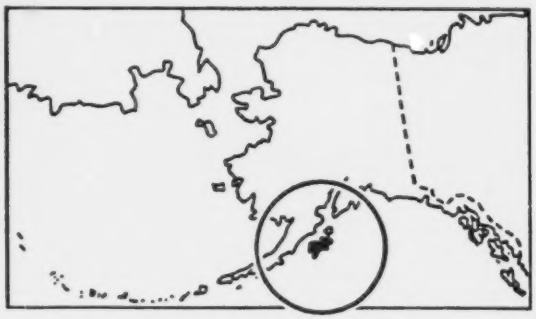
At last, at rest

756 Konyag ancestors being returned



Kodiak Islands, Alaska (USA)

The Kodiak Island community of Larsen Bay held a simple Russian Orthodox Ceremony and reburied the remains of 756 of their ancestors in a mass grave on October 5. The remain had been unearthed by scientists from the Smithsonian Institution, Washington some 50 years ago.

This story actually begins in the 1930s when anthropologist Ales Hrdlicka, director of Smithsonian Museum of Natural History, journeyed to Larsen Bay, a small Aleut fishing village on the west coast of Kodiak Island, with a team of seven college students and began digging up graves. He was working for the Smithsonian museum and his mission was to collect ancient Aleut remains for later study.

The people of Larsen Bay, who until recently called themselves Uyakslamiut, say they are not against the idea of their ancestors being studied, but they are bitter about the way the study took place.

Hrdlicka and his men did not ask villagers' permission before beginning their work and by the time they were finished, nearly 800 unmarked graves had been unearthed and emptied.

Some of the villagers present at the ceremony said they were deeply scared by this and getting the skeletal remains back is a relief.

The remains reportedly dated back 500 to 2000 years, although some were possibly victims of the more recent 1918 flu epidemic. Today,thanks to the 1990 Native American Grave and Burial Protection Act., federal museums are required to return remains to tribes that request them.

The Konyag remains were reburied near the crest of the two-mile stretch of road that threads through the village overlooking Uyak Bay and the nearly century-old salmon cannery. About 100 yards to the west is an area villagers call the »boneyard,« where the artifacts were excavated between 1931 and 1938.

Still sitting at the Smithsonian are 144 artifacts, including carved wooden eyes that have been buried with the bones years ago. Museum officials said the artifacts will be shipped in two months so they can be kept in the museum. Vice-president of the tribal council, Frank Carlson said they were wrong. »We are going to bury them.«

The remains arrived by barge, packed in numbered cardboard boxes. Dozens of small boxes held one skull each, said Tribal Council President Roy Jones and most of the boxes were buried unopened. Archaeologist with the Kodiak Area Native Association, Rick Knecht, suggested the remains be buried in sealed coolers in case they are needed later, but the Larsen Bay Tribal Council rejected that idea.

The Larsen Bay remains were the largest single collection of a Native group the Smithonian Museum held. Before October 5, the Smithsonian had returned five sets of remains to the Medoc Indians in Oregon, 15 sets to the Blackfeet of Montana, 197 to the Hui Malana I Na Kutna o Hawai'i Nei in Hawaii and 20 to the Sisseton-Wahpeton Sioux in South Dakota. The Museum has 30 requests pending, including four from Alaska Natives.

The Native request

The Larsen Bay Tribal Council which initiated the repatriation reportedly battled for nearly six years with the Smithsonian before the bones were finally returned to the village at the end of September.

Larsen Bay's battle began long before the repatriation law was passed and the Smithsonian was apparently reluctant to return what they believed was theirs. Although the bulk of the human remains taken were returned, five sets of remains were missing when the Smihsonian boxed the bones in September.

Several of the village's 150 residents remember Hrdlicka's disrespectful excavation techniques, but few elders were willing to talk about it. The Consensus was that they just want the fanfare ever with and the bones put to rest where they belonged.

Frank Carlson, vice president of the village tribal council, and the driving force behind the repatriation effort, is elderly enough to remember the 1930s excavation. He was 10 years old at the time. He recalls how the archeological team just came into their village and took what they pleased. Carlson, now 60, said Hrdlicka and his men did not bother to ask before digging up the beach and graves at the »bone yard«, they just did it. The mass graveyard was, and is, referred to as the »bone yard« by village elders. »They had no permission from the government, from nobody«, he said.

Carlson said in earlier days, the village only had chiefs to represent them, and those Native Chiefs did not have the power to control »White man's« action in their village. »Only five families lived here. We had one school and one teacher. The teacher was the ruler. He was the law«, Carlson said, explaining how non-Natives treated the villagers in those times. »Villagers back then were just starting to get organised (politically),« he said.

The elder said Hrdlicka forbid his crewmen to associate with thevillagers or give them any information about what they were actually doing. The entire village was ordered to stay away from the excavation site and never ask questions, he said.

Dorothy (Dora) Aga, who seemed rather annoyed about the big deal being made of the repatriation, said she reembers the archeologist and his crew. Aga, 74, a Native of Ouzinkie, was in her 20s at the time of the mass excavetion. »They dug up my garden. They had no permission...,« Aga said while eating oatmeal at her kitchen table the morning of the burial.

She said she remembered Hrdlicka prohibiting his crew from talking to any of them and Hrdlicka never spoke to any of the Natives himself, either. »Their attitude was rotten,« she recalled.

She said the tribal council has spent many years trying to retrieve the bones and now that they are back it should not be such a big deal. »I just want to see them get buried and get rid of them,« she said. She said she also did not like being interviewed, because she was not paying that close attention to the excavation when it took place. She did not consider herself an expert. »The reporters come in here and ask me a million and a half question, I do not know about these bones,« she said.

The vice-president of the tribal council Frank Carlson has a different opinion. He said since this is the nation's biggest repatriation of Native remains, all of Alaska and the entire nation should be aware of it.

Carlson said he did not know what he was getting into when he wrote the Smithsonian and asked for the village's ancestors back. »... they wrote some pretty stron letters back. They kept making excuses that they were still studying them. Still, after 50 years?«, he asked and laughed.

He said the council ended up calling Gordon Pullar, who at the time was president of the Kodiak Area Native Association for help. But the Smithsonian Institution would not budge even after the regional corporation joined in the battle, he said. »We were not making any headway, so we called the Native American Rights Fund (NARF), » Carlson said. The NARF, a nationwide non-profit law firm which protects the right of Native Americans, did not hesitate to add their aggresive legal tactics, and NARF lawyer, Henry Sockbeson , an Indian from the Penobscot tribe in Maine, worked on the Larsen Bay case for the last four years.

Sockbeson said the Larsen Bay case was a hard legal battle, because it took place before the repatriation act came into being. The Act makes it much easier to retrieve remains, he said. He said at one point the Smithsonian tried to use a variety of laws to maintain possession of the bones. But, after the repatriation law passed, the Smithsonian basically had no case, Sockbeson explained.

»The people at Larsen Bay have set a precedent for other Native groups, and the museum now realized they have to return the remains. And we encourage others to also,« he said. Sockbeson said with a case of this magnitude he does not think the tribe would have gotten the bones back without NARF's help. »The skids have been greased now. Other tribes do not even need NARF, » he said.

Frank Talbot, director of the Smithsonian's National Museum of Natural History and thus a late sucessor of Hrdlicka, said the Larsen Bay repatriation was a long time coming. He said the excavation techniques used in the 30s are totally unacceptable by today's standards. »The scientists – back then – had different values. They were insensitive to the Natives. The return of the bone s is a loss of information – because the museum no longer has possession of them to study – but returning them also is relieving an emotional and spiritual need of the people,« he said. »I feel the depth of emotions of the people with this symbolic new friendship,« Talbot said. »With this return I feel friendship and understanding.«

The orthodox ceremony

From 1784 until 1867 when Alaska was sold to United States, Kodiak Island was ruled by czarish Russia. The Native people, called Aleuts by the Russians, were christinized and the Russian Orthodox church is today considered as a Native institution on Kodiak Island and in other parts of Southern Alaska.

About 50 villagers gathered for the Russian Orthodox burial ceremony. The women sang and father Peter Kreta walked along the trench swinging a censer over the remains of Natives excavated in the 1930s. The night before the ceremony, five village women held choir practice, sitting around a table trying to remember the appropriate songs in Russian, English and Alutiiq (the Native language) as father Peter Kreta has requested. Fred Katelnikoff, a Native of Larsen Bay, stayed up until 3 a.m. the morning of the cerenmony, constructing a Russian Orthodox cross to be erected at the burial site.

Prior to the ceremony, a 45-foot-long trench awaited the 370 numbered and labelled cardboard boxes containing skeletal remains; it would be the final resting place for the village ancestors. Marina Waselie, 79, said she was sad and relieved at the same time. »We do not even know who they are. It could be our aunts, uncles or cousins,« she said.

»You can not fulfill your dreams if you have offended your ancestors,« said

The cannery in Larsen Bay. Photo: Jens Dahl

Gordon Pullar, quoting an indigenous Nigerian philosopher.

Father Peter of Kodiak planned the service in this mostly Russian Orthodox village. The memorial service was traditional Russian Orthodox in all respects but one – the voices that sang out over the mass grave spoke in three languages. »We figure all three languages are there – those who spoke Russian, those who spoke Alutiiq and those who spoke English,« Kreta said before the service.

Most of the skeletal remains date before the days of Russian occupation of what is today Southern Alaska and thus before the introduction of Russian Orthodoxy. However, because Hrdlicka reportedly excavated some Natives who died in the early 1900s along with bodies several hundred years old, Kreta wanted the service to speak to all of them.

Clyda Christensen, 71, an elder who sees the village children speaking only English, was one of the five women who sang in native tongue as part of the service. Their chorus translated to »Memory Eternal.« »I feel the same for them as for anybody that we lose, because they were human beings too – they have got to be put to rest,« she said. »All these years maybe their souls are not resting and now we will put them to rest and have a real good funeral for them.«

The general ethic that everyone deserves a decent burial guided some villagers who said they do not feel personally linked to the long-absent bones. Fred Katelnikoff said he and four of his small children, helped carry the small boxes of bones to the gravesite because »we try to keep all the kids involved.«

How did he feel about the service for anonymous Natives, most who died hundreds of years ago?

»It is no biggie to me, it is just a bunch of bones,« he said. Bud Katelnikoff added, »all in all it is a good thing they are being buried, rather than in a museum someplace.«

After the ceremony the participants thraw a handful of dirt onto the boxes. Within an hour after the brief ceremony ended, officials has boarded planes for home and a small bulldozer moved in to fill the trench. The 12-foot-tall, white orthodox cross now marks the grave.

(Sources: Tundra Times; Anchorage Daily News). ❑

IWGIA DOCUMENT 70 by Andrew Gray

Between the spice of life and the melting pot:
Biodiversity conservation and its impact on indigenous peoples

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Australia: After 100 years, Dick Cubadgee comes back to his country

Last month the remains of an Aboriginal man, whose body was held in the South Australian museum for over one hundred years, were returned to his descendants and buried in his traditional country near Tennant Creek.

The remains of Dick Cubadgee, a Warumungu man who acted as a guide, interpreter and go-between for explorer David Lindsay in the 1880s, were returned by the South Australian Museum after consultation with the Central Land Council and the Warumungu people. It is believed to be the first time a whole skeleton has been returned for burial.

»You're back home now. This is your home. You've been gone from here - now you have come back and you're resting in your own land. The whole family came up to you, so you can rest in peace in your own land.«

These words from Brian Tennyson welcomed Cubadgee back to his own country.

Standing beside the grave, Cubadgee's descendants spoke in Warumungu, Warlpiri and English about the importance of his homecoming.

As Jimmy Frank explained: »This is his dreaming country, his father's country, before the whitefella got into this land, and we still believe in our dreaming country today.«

»It's an important thing, because he went away from here, this is his traditional place, this is his dreaming country, which is his father's country.«

And as another Warumungu man said: »See that rock there, that's his body, see that tree there, that's his body.«

At the same time as Cubadgee returned to become part of his country, his descendants were re-affirming the continuing links of their living culture with the land.

The funeral ceremony was timed to coincide with initiation ceremonies involving two young men thought to be descended from Cubadgee.

Dick Cubadgee was a giant of a man, in anyone's terms. He stood more than six foot six high. His father and brother were even bigger. His father was described as »the king of the Warramungas« by the explorer, inaccurate to apply to Aboriginal society, but one which indicates the importance of Cudbadgee's family.

David Lindsay made several expeditions through the Tennant Creek region during the 1880s and Dick Cubadgee became his guide and interpreter, contributing greatly to the success of Lindsay's expeditions, particularly in travelling without conflict with local Aboriginal people.

In 1887, 1888 and 1889 Lindsay took Cubadgee to the Adelaide and Melbourne International Exhibitions. He also presented him at Adelaide's Government House and to the Royal Geographical Society in both cities.

The trips were a great success for Lindsay. Little was known about Aboriginal culture and the outback at that time and there was a great interest in it.

Cubadgee was a charismatic personality, and his boomerang-throwing and firelighting displays made him an extremely exotic attraction.

The two returned to Central Australia for one further expedition after the 1889 trip but during the expedition Cubadgee became ill with a cancerous tumour on his neck.

Lindsay sent him to the Royal Adelaide Hospital to have the tumour removed, but while the operation appears to have been successful, Cubadgee became seriously ill during his convalescence. He contracted tuberculosis, one of the many European diseases which ravaged the Aboriginal population during the early years of colonisation and one which still kills many Aboriginal people today, despite being virtually eradicated in the non-Aboriginal population in Australia.

Cubadgee made many friends during his stay in hospital. Nurses and members of the hospital's Women's Auxiliary read him stories from the Bible and in return he told them stories of Warumungu culture and life in the bush.

As he became increasingly ill he talked with greater and greater emphasis of the importance of the land to Aboriginal people. He spoke of the damage Europeans were doing. According to records of the South Australian Museum , he said »The whites were intruders in my country and should leave my people alone.«

He asked to be allowed to return to his country but was kept in hospital where he died on 15 September, 1889. He was nineteen years old.

Up to this point Cubadgee's life had been quite unusual, but after his death he found a fate which was shared by thousands of Aboriginal people over the years.

Somehow, although a funeral service was held for him, Dick Cubadgee's remains ended up in the South Australian Museum.

The museum's present head of anthropology, Dr Christopher Anderson, says precisely what happened remains a mystery.

»I doubt very much whether there was any grave-robbing,« Dr Anderson said. »But it seems the surgeon was a good friend of the head of the museum.«

So the remains of Dick Cubadgee stayed in Adelaide, a thousand miles from the clear blue skies and red sands of the Warumungu country.

The remains were on display until 1912

but in more recent times were held in the museum's »secret-sacred room« which houses much of the museum's largest collection of sacred objects and Aboriginal remains.

The SA museum has a policy of returning remains and sacred objects to their rightful places and owners wherever possible. It is a lengthy process, often involving years of work to identify their origins by finding (and consulting with) the right people.

In Cubadgee's case there was a great deal of information available in the diaries of David Lindsay.

Last year Dr Anderson mentioned the Cubadgee remains to Central Land Council staff, and a series of meetings were organised to talk to the Warumungu people. Eventually his place in Warumungu society was worked out and plans were made to have his remains returned.

In May, eight senior men drove to Adelaide to carry out the first ceremonies in preparation for the return.

Jimmy Frank, who's mother shared the same dreaming site as Cubadgee, went into the secret-sacred room with Dr Anderson to receive the remains.

»We couldn't touch the box with our hands,« Mr Frank said.

»We got down on our knees and rolled our chest on it. We all did the same thing and we told them it would be good to see these remains come back to his home ground and buried there.«

A few weeks later the SA Museum's Director, Mr Lester Russell, flew to Tennant Creek, 500 km North of Alice Springs, with the small casket.

It was taken to the land known as Jurnkurakurr, Cubadgee's dreaming site, and reburied in a quiet and moving ceremony on 4 June.

The ceremony was a mixture of traditional and modern funeral practices. The small casket was buried in a grave but only after men, women and children from the area had paid their last respects to »the old man« in the traditional way.

Each of them kneeled before the casket, and performed the same ritual as done earlier at the museum – rubbing the chest against the casket. It's a gesture which symbolises the touching of spirits.

»That's how it's been, years ago, before the whites ever got here,« Jimmy Franks said.

»People used to die in their own camps, and they'd gather them up and people used to roll on each other, chest to chest, and then take the body away.

»We still remember who's his grandgrandchildren today,« said Jimmy Frank.

»We know which dreaming site he came from. His father was called a king, the king of Jurnkurakurr – that's Tennant Creek, the one rock hole there is Jurnkurakurr«.

»Cubadgee's father was the king of Jurnkurakurr, and Cubadgee's grandchildren are still the kings of Jurnkurakurr today.«

Source:
Land Rights News, July 1991. ❑

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Ecuador:
The Government rules on land for indigenous communities

On October 24 the government of Ecuador handed over to indigenous communities of the Amazon and a group of black inhabitants from the coastal region, property titles legalizing ownership of land covering an area of 146,639 hectares.

The titles were handed over to several indigenous families belonging to the Shuaras and Quichuas tribes and to a group of African descendants from the coastal province of Esmeraldas.

By means of this ruling the government concluded the handing over of 2 million hectares to various ethnic groups in Ecuador since Rodrigo Borja assumed the Presidency in August 1988. The Confederation of Indigenous Nationals stated that the handing over of territories was minimal when compared with actual demands of the ethnic populations.

The indigenous populations of Ecuador which includes nine ethnic groups settled in the sierra, the coast and the Amazon, represents between 30 and 40 per cent of the 10 million Ecuadorians.

Source: IPS ❑

Central African Republic:
New threats to forest peoples

The Dzanga-Sangha Dense Forest Special Reserve and Dzanga-Ndoki National Park in south-western Central African Republic (CAR) is the home of the BaAka Pygmies and other forest peoples. The reserve and the park also protects CAR's last remaining intact dense forest ecosystems which contain among the highest population densities of forest elephants, lowland gorillas, chimpanzees, bongo and the realm of African dense forest fauna and flora. Three recently proposed or approved development and forestry exploitation projects are now threatening the forest peoples and the unique forest ecosystem.

The African Development bank funds a Rural Development Project in the Coffee Growing Areas of MBaiki and Berberati-Phase II. These efforts include opening and improvements in forest roads and rehabilitation of existing plantations and previously cultivated areas. The result may well be an influx of outside poachers and settlers.

Forest exploitation and timber export is facilitated by the road system. The logging company SESAM (Societé Exploitation Forestièr Sangha Mbaere) is permitted to log within the reserve.

The Lebanese firm Wilshire Corporation has requested to be granted the rights to log in the heart of the Dzanga-Sangha Dense Forest Special Reserve in exchange for establishing a cement factory near the capital of Bangui.

Such projects are ecologically, economically and legally non-compatible with the aims of protecting important parts of Central African rainforests and pose threats to the viability of the traditional forest peoples.

African rainforests campaign

An African rainforests campaign has been launched by the African NGO's Environment Network (ANEN). The aim is to promote community based action to save Africa's rainforests. Please contact Simon Muchiru, ANEN, P.O. Box 53844, Nairobi, KENYA, Fax: 2542 335108. ❑

Brazil:
Threats facing the Enawenê-Nawê

Prior to 1974 the Enawenê-Nawê people were completely unknown to the Brazilian society. At that time the Jesuit priest Thomaz de Aquino Lisboa, leader of the so-called "Anchieta Mission" (OPAN), made contact with them, erroneously calling them "salumã".

The Enawenê-Nawê are settled in the north-eastern region of the State of Mato Grosso and belong to the Aruak linguistic family. With a population of some 200 inhabitants, their traditional territory includes the sources of the Jururena, Camararé, Doze de Outubro and Ique rivers in the transitional zone between the Brazilian savannah and the Amazon forest.

Since making first contact, the "Anchieta Mission" (OPAN) has established a relationship based on respect towards the traditional culture of the Enawenê-Nawê, introducing only a few new tools and medicines. At the same time, the Jesuits have tried to determine the extent of their lands in order to develop a proposal for the delineation of the Enawenê-Nawê habitat.

In 1979 the National Foundation of Indians (FUNAI) created the first Working Group (WG) to define the indigenous region. The WG is the first step in the administrative process for the demarcation of indigenous lands, with a view to establishing legal guarantees for their physical and juridical recognition. Through the proposal put forward down by the Working Group, an interministerial body is to approve the demarcation so that the President of the Republic can proceed to the homologation of the territory. The first Working Group, followed by others in 1981 and 1984, recognized the Enawenê-Nawê habitat, identifying a total area of 750 thousand hectares considered indispensable to their survival. But the demarcation process remains paralyzed.

The problems begin

There have been several conflicts reported in the area, including invasion attempts which have been vehemently defeated by the Indians themselves. In 1984 a team of surveyors who were setting up measuring stakes in the northern region of the indigenous territory were ambushed by the Indians, who killed two of the surveyors and injured two others. In July 1986 a family of agriculturists who had settled in the Western part of the indigenous territory was attacked by the Enawanê-Nawê. One year later the Jesuit, Vicente Cañas, of OPAN was murdered. Up to now the Courts have not thrown light on the crime

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in spite of evidence pointing to the latifundistas (estate owners) who covet the indigenous lands.

After the murder of Vicente Cañas, the area was sealed off as a preventive measure, but invasion attempts continue to occur.

Self-delimitation

The Enawanê-Nawê have started the demarcation of their own lands because of the serious problems of invasion that they face. The borders of the area are sometimes rivers or streams, but they are also lines over land, frequently through forest or dense vegetation. This has caused great displacements in the posting of border placards and the opening of new paths. OPAN has played an important role in this, acquiring the necessary financial assistance to realize self-delimitation.

Recently, on the 13th of September 1991, the Declaration of the indigenous Enawenê-Nawê territory was finally signed, awaiting the definitive homologation of the territory.

Source:
Luis Fernandez, 10/91
Claudio Conte, 11/91 ❑

Canada:
Erasmus appointed to co-chair Commission

The federal government has appointed former leader of the Assembly of First Nations, Georges Erasmus, to head a royal commission that will examine issues affecting Canada's aboriginal peoples. Co-charing the commission with Erasmus is René Dussault a Quebec Court of Appeal judge.

National Chief of the Assembly of First Nations. Ovide Mercredi, said he is optimistic that this commission will "have a strong influence in changing government policy." However, Grand Chief of Quebec, Matthew Coon-Come, is not so optimistic.

"I don't necessarily believe that the government will take whatever recommendations are made," said Coon-Come, "I'm afraid it will again just be put in a drawer to collect dust."

Prime Minister Brian Mulroney has promised the commission will make a difference. "The primary objective is to deal with literally centuries of injustice. This may turn out to be the instrument to change the lives of a lot of people," the Prime Minister said.

Five other commissioners have been appointed to the royal commission. They are Bertha Wilson, retired Supreme Court justice; Allan Blakeney, former NDP premier of Sakatchewan; Paul Chartrand, a Metis and University of Manitoba Native Studies Professor; Mary Sillett, president of the Inuit Women's Association and Viola Robinson, president of the Native Council of Canada.

Aboriginal self-determination, land claims, the status of treaties and Native justice are just some of the issues that will be looked at by this commission. No date has been set for the final report but it is expected that it could take up to two years. ❑

Tanzania:
Pastoralists to be evicted from Mkomazi

Despite a growing awareness of the advantages that can be reaped from involving local people in wildlife conservation (see Issues Papers nos. 17 & 26), conservationists are calling for the eviction of Maasai pastoralists from Mkomazi Game Reserve in Tanzania.

Mkomazi Game Reserve is a 1,000 square kilometre area in Kilimanjaro region, in the north east of the country. It supports a wide variety of vegetation types and wildlife. Mkomazi's drylands are famous for providing a suitable habitat for some of Tanzania's less common animal species. It is also home for 400 pastoralists. Conservationists believe that the reserve is threatened by neglect and degradation, due to human activity and livestock grazing.

Residents of the reserve were allowed to remain when it was first gazetted in 1951. Since then, permits to live in the reserve have also been issued to others. By 1981, there were 41 households with 30,000 domestic animals. They are accused of destroying the natural habitat and consequently wildlife, through overgrazing, lighting fires and poaching.

This position is a reflection of the conventional view that sees people as enemies of wildlife and demands their exclusion from conservation areas. This not only causes hardship, but takes no account of people's customary rights to the land they traditionally have occupied. Maasai occupation of Mkomazi dates back more than 100 years. This view also fails to exploit the opportunity for more community-based approaches that can restore local support for wildlife preservation by offering benefits to local people for conserving the natural environment. ❑

Brazil:
The Yanomami have gained recognition for their territory

At long last, on the 15th of November, the President of Brazil, Fernando Collor de Mello, announced that the Yanomami Indians had secured their territory of 9.42 million hectares in the north of the country, along the Venezuelan border.

The demarcation of the lands for the 10,000 Yanomami who live in Brazil should have been signed on the 29th of October, but on that day Collor signed rulings on 71 other delimitation trials, delaying the Yanomami issue.

It is thought that this delay was due to pressure from the military, the Ministry of Education and corporations in the Amazon and Roraima, Brazilian states where the Yanomami live.

The army believes that the creation of a permanent region for the Yanomami, close to the border between Brazil and Venezuela, could put national sovereignty at risk. The military theory is that the Yanomami of Brazil and those from

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Venezuela could unite at some time in the future, creating a "Yanomami nation", independent of the Brazilian government. It is also worth noting that the security zone proposed by the army certains the largest mineral reserves in the State of Roraima.

In his November 15 speech, President Collor addressed the army's concerns saying that the demarcation left "national sovereignty intact and reinforced."

The Commission for the Creation of the Yanomami Park (CCPY) has stated that in spite of the decree, the military and mining sectors continue to exert pressure to change the presidential decision. On the other hand, the demarcation of the area does not guarantee its integrity. Many indigenous areas in Brazil which have already been delineated are being invaded by gold prospectors and Brazilian companies. The CCPY believes it is necessary to demand from the Brazilian Government the creation of a permanent infrastructure for the creation and maintenance of an adequate system which does not jeopardize the Yanomami territory.

Source:
CCPY
IPS ❑

Colombia:
Indigenous protest against violations and detentions.

On November 18 some 2,000 natives of the Pijao ethnic group who live in the Department of Tolima in Central Colombia staged a peaceful demonstration, blocking the highway leading to the capital to protest against the violations and detentions inflicted on its members.

Among the demands made were that 78 natives detained on the 12th of November should be freed that a political and non-military solution be found the social economic and political conflicts affecting the aborigines of the region.

The confrontation between the departmental authorities and the Pijaos stems from the plan to recuperate 45,000 hectares of land claimed as indigenous territory. The tensions had reached a climax one week before when the police evicted the natives, physically assaulting them and using tear-gas. Fifty natives from the municipality of Coyaima were detained and imprisoned.

Edgar Alape, the indigenous spokesman in Tolima, strongly criticized the conditions under which the detainees were being held. He also added that "even though the aggression against the indigenous people of Colombia dated back 500 years, violence against them has sharply increased in the last year." Since the beginning of the year 15 natives have been killed.

Source:IPS ❑

Latin America:
Indigenous Groups Reclaim Territories and Right to Political Participation

In Bolivia, on the 4th of December, indigenous representatives of 17 Latin American countries demanded the administration of the territories they occupy and the right to participate in political decisions.

The natives, meeting at the Second Inter-American Congress of Natural Resources and Environment in the Bolivian city of San Ignacio de Moxos, said that it was up to each ethnic group to resolve its own problems.

The Panamanian, Nicanor Gonzales, coordinator of the continent's indigenous groupings, affirmed that the meeting signified a basic step towards the achievement of unity among the aboriginal peoples of America.

Gonzales said that the historic right to the possession of territories and political participation belonged to the indigenous people. Thus he criticised the appearance of non-governmental organizations which, disregarding the rights of the natives, captured resources in the name of the communities, but without these communities deriving any benefits from the resources. Nicanor Gonzales estimated that only 20 percent of these resources had been available to native populations over the last ten years.

Finally Gonzales criticized government's lack of support towards the ethnic organization and, in this respect, he stated that the national parks and protected areas should be administered by the indigenous peoples.

Source: IPS ❑

Chile:

Supreme Court orders expulsion of Pehuenche

Chile, South America

By Vicente Mariqueo Q.

At the beginning of last year the Pehuen (Pino Araucaria) or Monkey Puzzle tree, was declared a Natural Monument by means of a Presidential decree. Thus a significant step was taken towards solving a problem which affects our Pehuenche brothers (the Andean Mapuche); it means as well, that a wide area of the Andes will be protected by a Supreme Decree. Behind all this there is a long and painful history.

In 1880, during the war known as the »Pacificacion de la Araucaria«? some of the Mapuche were forced to leave the fertile valleys of Malleco and Cautin and make their homes in the mountains; this is how the community of Quinquen was established, along with many others. Twenty eight years later Guillermo Schweitzer set up a large estate called »El Porvenir de Lolen« twenty miles away from the Quinquen Valley. Schweitzer asked chief Manuel Melinir permission to pasture his animals in the Quinquen Valley during the summer time, in exchange for a yearly payment. This arrangement continued for ten years. But then he refused to carry on paying, letting it be known to the Quinquen Community that he owned the valley, having bought it from the Chilean Government. He added that the Pehuenche could go on living here in peace and that he would pasture his animals there only in the summer months. In 1920 Guillermo Schweitzer mortgaged the Quinquen Valley to the Agrarian Credit Bank (la Caja Agraria) in exchange for a loan which he never repayed. Later in 1936 the bank went to sell the confiscated properties. The Quinquen Estate was sold to Augustin Lamoliatt, who also assured the Pehuenche living in the valley that they could go on living there in peace.

In 1946 the Lamoliatt and Lledo group installed two sawmills in the area, thus beginning the felling of the rich forests which have covered enormous areas of the Andes for millions of years. The felling of the Pehuen created an agonising situation for the Indian communities of Quinquen. It is a tree which provides them with much of their food. The fruit of the Pehuen, the »ngillio« or pine nut has a variety of uses in the diet of the Pehuenche. The poor quality of the soil, the harsh climate, the poor roads and the enormous distances which seperate them from the centres of population make our brothers' situation even worse. Nevertheless, this was the beginning of a period of heroic struggle in defense of the natural environment. Years afterwards I myself visited these mountains. On two occasions I went to collect »ngillio« along with 4 families from Cancan, a Mapuche community in the Andean foothills. On the first occasion we went to the shores of Lake Icalma. There we asked permission of the Pitriqueo family. I was only a boy then, but I remember these journeys as something very important. Contemplating such beauty, I realized the strong link between the Mapuche and Nature. This was a discovery of huge importance. To harvest the »ngillio« a lot of hands are needed; children are the most enthusiastic and skilful at climbing the trees and collecting the »ngillio«. So the children from the Central valley got together with the Pehuenche from the high mountains. For us it was a miracle to see how quickly the Pehuence youngsters climbed the trees. They threw a rope to the top of the tree which then spiralled down to the ground; with the help of this device they clambered up the tree, carrying a hook, and just touched the ripe heads of the fruit, whereupon the ngillio rained down onto the ground. Our job was to gather up the pine-nuts and fill the sacks. Each tree provided us with two hundred kilos of nuts, so that we filled three carts before we had to prepare to return to our communities. It was also an opportunity to get to know the hard life of these brothers. For example, we went to visit the beautiful lake Galletue. Here were a lot of cattle - more than I had ever imagined before. I talked in Mapuche to some Pehuenche children whose surname was Romero. I told them I was surprised to see so many cattle, and one of them told me »we only look after these cattle they belong to Lamoliatt, the richman who is owner of all this summer pasture.« A little distance away the Chilean flag was flying above the Liucura police station. Another day, in a place not so far from there, right on the border with Argentina, I met some other Pehuenche, whose name was Huillical. I remember there were a large number of horses, but fortunately these animals be-

longed to the Pehuenche themselves. Later we went to collect nuts again. This time we went to a place that was nearer, a hill called Chene, some 35 kilometers from Cancan. Many more people took part in this expedition than in the previous one: Mapuche people from the regions of Cancan, Trompulo, Lulul Mahuida and a »Lafquenche« as well. I took note of all the most important events during this trip. The most disagreable was that as we approached the heights of Chene we ran into the hateful power of the white man: a business man. the owner of the sawmill, whose permission we had to ask in order to go on. Apart from that bad moment every thing was very joyful - especially for the children.

That stage in my life was fresh in my memory, when in the middle of the 50s the regional papers reported that there was a conflict in the cordillera between the great logging companies and the Pehuenche. Tree-felling had stretched to the area where the Pehuenche live. Of course at that time, business interests were all powerful, the timber merchants were the Gods of this vast regions of the Andes. Nevertheless, their ambitions were frustrated thanks to the stubborn opposition of the Pehuenche who organised the defence of the natural forests, especially the defence of the pehuen, the ancient tree that provides them with one of their basic foods. The news caused a great deal of sadness in Lulul Mahuida, my childhood home, there was a widespread sense of unease through the whole region. Yet the Mapuche stood firm and united. They managed to put pressure on all sectors of the State administration. There were, perhaps, certain vital factors which helped our Pehuenche brothers to turn events in their favour. The Araucana Corporation, at that time a powerful Mapuche organisation, won important electoral victories; they elected 2 deputies in 1953 and a large number of councillors. General Carlos Ibanez del Campo, President of Chile (1952/58) made don Venancio Conuepan, president of Araucana Corporation, a member of his Cabinet as Minister of State.

In the end the conflict was temporarily resolved in favour of the Pehuenche, thanks to the direct involvment of don Venancio Conuepan. However with reference to this, the popular saying »nothing is free« fits very well. In one of his accounts don Carlos Huaiquinir writes: »The logging companies didn't take their defeat lying down. They turned to the political sphere and very soon afterwards that don Venancio Conuepan was stripped of his high office as Minister of Land and Colonisation.« Such was the end of this famous historical episode. It was the first time that I had heard about the problem, and I believed that it had been solved for ever. However, things are not that simple, as everyone knows, there was a lot of backstage wheeling and dealing, and the problem still exists, even today.

In recent years more evidence has become known about the prolonged and silent struggle of our Pehuenche brothers. Cruel and inhuman deeds, until now completely hidden, have been brought into the light of day. Community members from the Valley of Quinquen reveal them themselves:

> »In 1964 The Quinquen Community suffered violent repression because of the pressure of a timber merchant called Fahrenkrog Butendiek. This man sent a large group of police to subdue the Indians, get rid of us completely. They tied us up in chains and took us to Lake Galletue, where they kicked us into the lake and held our heads under almost drowning us. Others, they chained to the high branches of the trees leaving them hanging there. Many of the Pehuenche were seriously injured and one was permanently paralysed. This was the account of one of the Melinir«. (Apsi, 310, 26.07.1989)

Sadly cases as serious as this were not known about. I myself never heard about them. At this time, for us there were unfortunate factors at work: The Mapuche people found themselves fragmented in various organisations, many of which were dependent on political parties of the time. It was a disastrous situation, which had existed for many years.

In 1987, the minister of Agriculture during the dictatorship of General Augusto Pinochet (1973–90) issued decree 141 which authorized the felling of the monkey puzzle tree, thus reopening the conflict with the Pehuenche, the true lords of these natural forests – with the additional difficulty that Chile was now under an authoritarian regime, which would be unlikely to respond to Indian protest. The Pehuen is a tree which reaches a great age, it needs more than 500 years to fully evolve and produce pine nuts. However the people who have taken on its defence have been strengthened by the solidarity of many people today: ecologists and important social and political groups support our brothers' just struggle. If the Pehuen were to be destroyed, their whole way of life would be taken away from them. This tree is present in the Indian's prayers, in the same way as the volcanic mountains and lakes – every thing that best represents nature is an altar for the Andean Mapuche. The pehuen is a tree so closely associated with the people who populate these regions that even their name itself underlines the link: Pehuen – che means the people of the pehuen.

If the Pehuen were wiped out the Pehuenche people would be forced to abandon all this immense mountain region, which has tremendous economic and tourist potential. It is a policy similar to that carried out by the English invaders of North America who killed the buffalo, the basic source of food for our Indian brothers who inhabited these rich regions. However, we are now on the brink of the 21st Century – it is too late for those who want to impose their will at the cost of sacrificing entire peoples. Despite the repression during the dictatorship, our Pehuenche brothers were able to make themselves heard. They made innumerable trips to Temuco and Santiago; the amount of money needed to pay for the fees and all the paperwork was enormous compared with their small incomes. Nevertheless, they have been able to achieve something very important in these early stages of their campaign: the solidarity of all Mapuche organisations and other political and social organisations in Chile; the Transitional Democratic Government has drawn up a decree which protects the pehuen, declaring it a Natural Monument. The issue is far from being solved, and our brothers still live in uncertainly. It is not clear what the courts will decide about this important issue, crucial as it is to the whole way of life of our people. With regard to the cases which are aired in the courts of justice there is a constantly repeated theme: the main losers are always the Indians. It is what happened to our Pehuenche brothers.

»After a case that lasted five years, the Supreme Court made a judgement against the Pehuenche and ordered the return of the Quinquen estate to those who owned the title deeds. They immediately obtained an expulsion order against the community of Melinir, one of the last Indian peoples from the Southern Cordillera«. (Fortin Mapocho, 19.10.1990)

It is too sad to have to go on witnessing so many injustices all well protected and defended by laws created by those in control, the situation is made worse by the fact that the out-going military dictatorship did away with the Institute for Indian Development (Instituto de Desarrollo Indígena) created in 1972 under Indian law 17.729. This was a Government organisation which gave free legal assistance to the Mapuche community. At the National Congress of Indigenous People of Chile which took place in Temuco last January, I had the honour of representing the European Committee of Mapuche people living abroad. (Comite Exterior Mapuche de Europa). The event was very important because we got to know at close hand the grave situation in which our brothers are living . In relation to this the Minister Enrique Correa proclaimed that the Pehuenche would not be evicted from the Valley of Quinquen and that the Government would take the appropiate administrative and political measures in order to solve the problem in the Pehuenches favour. Meanwhile the leaders of the congress denounced the fact that the Governor of Cautin Province had sent in 150 policemen to drive the Pehuenche off their legitimate lands. The threat is constant. The problem has still not been solved and there is every likelihood that the court's decision in favour of expulsion will in fact be carried out. Asked about it, the leaders of various Mapuche organisations all insisted that the only reason the eviction had not been carried out, was because the mountains were still covered in snow.

The just struggle of our Pehuenche brothers has been widely publicised and supported by many groups. Marches have taken place in Santiago and Temuco, but the findings of the supreme court is still valid. However, the case has been evolving, although very slowly, and now signs of a solution can be seen. The Government has drawn up a draft bill in order to expropriate the Valley of Quinquen, it doesn't have a majority in the National Congress – but at least there is a hope. Last March at a meeting with the Chilean community in London, Patricio Aylwin said that various of his reforms are being favourably received in the National Congress. It remains to be seen what attitude the various parties represented in the Congress will take to this particular problem. Historically, the National Congress of Chile like the other institutions of the State, has always legislated in favour of the dominant culture, without concerning themselves at all about the sacred right to the land of the Indians who descend from pre-Columbian peoples. Large sectors of the Chilean people, our brother Indians and friends who support us throughout the world, are anxiously awaiting the outcome.

Some Mapuche words:

Pehuen	=	Monkey puzzle tree
Pehuenche	=	Andean Mapuche
Ngillio	=	Pine nuts
Lafquenche	=	Mapuche from the Pacific's coast
Huinca	=	White people or Chileans

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Miskito Indians in Nicaragua

- The first ethnic group to obtain autonomy in Central America?

By Hanne Bach

Nicaragua, Central America

Introduction

A thorough demographic and statistical survey on The Atlantic Coast of Nicaragua has never been made and existing statistics are vitiated with errors. The population of the Atlantic Coast is estimated to be 300.000, which is less than 10% of the total population in Nicaragua. The migration to towns has increased in the last decade and approx. 50% live in town areas. Official records state that approx. 54.000 or 18% are Miskito Indians, while other sources estimate the Miskito population to number at least 120.000 or 40%. The area is divided in two regions. RAAN (Regíon Autónoma Atlántico Norte, formerly called Zelaya Norte or Zona Especial I) and RAAS, (Regíon Autónoma Atlántico Sur, previously Zelaya Sur or Zona Especial II).

The Miskito Indians are an ethnic minority in Nicaragua, populating large areas on the Atlantic Coast. Historically the Atlantic Coast has gone through a colonial and capitalist development, that differs widely from the Pacific Coast in economic, political, social and cultural aspects. The contact between the two parts of Nicaragua has been very scarce until the Sandinist Revolution in 1979 brought great changes to the Atlantic Coast. This article will focus on the Miskito Indians, both their history and the impact of *Sandinist* presence after 1979. The autonomy process and its importance for the Miskitos is discussed in relation to the present UNO government within the context of Nicaraguan economic difficulties and structural adjustment programs.

Historical background of the Miskito Indians

The Miskito Indians originally populated the Caribbean Coast of Costa Rica, Nicaragua and Honduras. Both in the pre-colonial era and especially after the arrival of the British in the 16th century they exercised a cultural domination over the Sumu and Rama Indians, leading to the near extinction of the latter two groups. During the 16th century pirates and English traders raided the Atlantic Coast, and the first English settlement was established in 1633. The Miskito culture is traditionally open and trade-oriented and they quickly formed an alliance with the English in order to extend their trade and obtain access to firearms. From 1648 and nearly 200 years forward the Miskitos sided with the English in their war against the Spaniards. The Miskito people were mixed with Europeans and African slaves, and assimilated various elements of their culture.

Another large group on the Atlantic Coast are the Creoles, who are descendents of the African slaves brought to the Caribbean by the English settlers. After 1833 when England abolished slavery, the British on the Atlantic Coast tended to employ the English-speaking Creoles in higher status jobs as administrators and servants, while the Miskitos saw themselves reduced to labour force in the mines and on the plantations. This division of labour started the social differentiation process of the two ethnic groups; a differentiation which still today is a very real part of the Miskito problem on the East Coast of Nicaragua.

In 1895 the Atlantic coast was incorporated into Nicaragua thanks to General Zelaya, but the culturally determined gap between east and west continued to exist. The true integration of the Atlantic Coast with the western part of Nicaragua was not to be initiated for nearly another 100 years. In the early 20th century the British left it to US transnational companies to exploit the natural resources of the Atlantic Coast through plantation, forestry and mining. That the US put Somoza in power in 1933 changed nothing. The Somoza regime did not interfere with the American companies on the East Coast. The economy was dominated by a few large corporations, while the local population continued to live on subsistence agriculture and small trade. Wage labour

was introduced to a higher degree than earlier, but most of the Miskito Indians still had to survive on traditional farming and fishing.

Today the Miskito population is divided into different groups. Most Miskitos live in the rain-forests along rivers in the north-eastern region. A smaller group has settled in an area further south around the mouths of the Rio Grande de Matagalpa, and in some villages around Pearl Lagoon. The third group is the coastal Miskitos, who mostly survive on trade and sea-fishing.

The Sandinists come to the Atlantic coast

After the 19th of July 1979, when the FSLN won the revolution and overthrew the Somoza regime, everything changed for the Miskito Indians. Up until this date there had never been much contact between West- and East Nicaragua, but now the Sandinists came to the East Coast with their revolutionary ideology and predefined solutions to the social and economic problems. The Sandinist ideology of anti-imperialism did not mean anything to a population that had never experienced the Somoza repression and that did not consider the presence of US corporations as an evil. Quite the contrary, most people on the Atlantic Coast actually regarded the Americans as responsible for the relative welfare they had enjoyed over the years, because living conditions had seemingly improved due to the US consumer goods available.

The Sandinists saw Nicaragua's problems as class-based and considered racial discrimination as economically determined. The sandinist policy of changing class relations failed on the East Coast because it ignored the fact that the population looked upon themselves as ethnic groups and not as classes in the Marxist sense of the word. To the Miskitos the essential problem was the mestizo-dominated government in Managua, that suddenly interfered in their lives.

Also in other areas the Sandinists failed to recognize the different cultural context on the East Coast. They disregarded the Miskito organizations that already existed and tried to replace them with the Sandinist mass organizations. This attempt was a large mistake, because for the Miskito Indians, whose traditional forms of organization consisted of separate village councils of older men, the Sandinist mass organizations were completely irrelevant, and it only deepened the Miskitos' long-felt mistrust of mestizos. Finally an indigenous people's organization was set up. MISURASATA consisted of Miskitos, Sumas, Ramas and »sandinistas united« and was initially formed to represent the Atlantic Coast in the central government.

Map of Nicaragua showing the Area populated by the Miskito Indians

Neither did the Catholic west Nicaraguans recognize the importance of the Protestant Moravian Church on the Atlantic Coast. The first missionaries had arrived in 1849 and had steadily increased their influence both through the religion, but also through social development programs, such as health care and schools. Many church leaders were members of the village councils and thus had great influence.

Conflict was unavoidable

In September 1981 the first confrontation between demonstrators and the Sandinist police force took place and several people were killed. The educated Creoles had not been involved in the first phase of restructuring after the revolution, and demonstrated against the presence of Cuban advisers, technicians, doctors etc., The demonstration was probably initiated by the Moravian Church, which with ample help from US anti-communist propaganda lead many Creoles to believe that the Cubans had taken over the revolution.

Under the leadership of Steadman Fagoth and Brooklyn Riviera MISURASATA became an independent organization for the opposition and it represented the local population in the dispute over land-rights. The Sandinistas claimed that the land belonged to a united Nicaragua, whereas MISURASATA demanded that traditional forms of land rights should be respected. Especially the Miskito Indians had a vital interest in the land dispute, because for the Miskitos land and their traditional rights to it is inseparable from Miskito culture. Steadman Fagoth started to claim land for an indigenous nation, and MISURASATA was soon regarded as a subversive movement by the Sandinists. In February 1981 the local leaders were imprisoned, amongst them was Steadman Fagoth and Brooklyn Riviera. All of them were released after 14 days, except Fagoth who was accused of having connections to Somozas intelligence office. After his release in May 1981 he fled to Honduras where he formed the counter-revolutionary organization MISURA. He was joined in Honduras by some MISURASATA leaders and a large number of Miskito Indians and they carried out several attacks on the north-eastern region of Nicaragua.

The Miskito Indians in the area got caught in the cross-fire and after the Sandinists had declared a state of emergency on the 14th of December 10.000 Miskito Indians were transferred to an area approx. 60 km further south. The Miskitos were reluctant to leave their homes, and compensations in the form of social benefits like electricity, running water, health facilities, and education in the new settlement did not stop the protests. Thus, what started as a culturally determined ethnic conflict ended up being mixed together with the armed conflict with the Contras. It created large political problems for the Sandinistas since the Contras quickly used the relocations to accuse them of genocide and it caused the Miskito Indians a lot of suffering through the long process of resettlement.

During the first years of Sandinist rule a few positive changes took place. After pressure from ethnic groups bi-lingual teaching in schools was permitted and the

indigenous people given the right to education and information in their own language. Spanish has been obligatory in schools since Zelaya reunited Nicaragua in 1895, and considering that language is an important characteristic of ethnicity there is no doubt that the government's consent to this claim has made the locals a little less dubious about Sandinist policy.

Miskito organizations after 1981

MISURASATA was dissolved by the Sandinists shortly after Fagoth and Riviera fled to Honduras, but in 1984 a new organization called MISATAN was formed. MISATAN was like MISURASATA in the beginning a more or less pro-sandinist organization, which should represent the indigenous people's rights within the revolutionary concept. Fagoth and Riviera formed the organization MISURA in Honduras in 1981, but already in 1982 Brooklyn Riviera broke away from his former friend and established his own organization and called it MISURASATA. MISURASATA was considered to be a moderate counter-revolutionary organization and FSLN finally accepted it as an ethnic resistance group that represented a large part of the Miskito Indians. In 1984 Riviera and FSLN agreed to an unofficial cease-fire, and they started preliminary negotiations on autonomy for the East Coast. These negotiations broke down in May 1985, because the Sandinist government would not accept Riviera as the sole representative for all indigenous groups. 1985 was a turningpoint in Nicaraguan Government policy toward the Miskitos. The Sandinists had started to realize their political mistakes, and they were in desperate need to bring an end to the war. Also the Miskito organizations in Honduras realized that the war was probably more destructive for the Miskito ethnicity than Sandinist policy. Internal political disagreement and the war had split up many Miskito families and as the family is the foundation for identity, social networks and economical survival in the Miskito culture, the situation was grave. In May 1985 a cease-fire was signed between MISURA and the Sandinist Government and as MISATAN was becoming increasingly independent of Sandinist policy it demanded recognition of both MISURASATA and MISURA urging the Sandinists to accept all Miskito organizations including the ones in Honduras as parties in the autonomy discussions.

The autonomy law

The extensive discussions about autonomy showed two contradictory viewpoints. Radical Miskitos have argued for a nearly total severance from West-Nicaragua, a position very close to Fagoth's earlier plans for an indigenous nation. The opposite point is taken mostly by dogmatic Sandinists and are in favour of a full social and economic integration between east and west and political centralisation.

Between 1985 and 1987 a commission with representatives from different organizations and from all the ethnic groups discussed and negotiated the principles for the autonomy law, and finally in September 1987 the law was passed by the National Assembly. The main points of the autonomy law are:

1. The authorities must show unconditioned respect for the ethnic languages and the local culture.
2. The law guarantees local control over and priority to the use of natural resources like land, forestry, mining and fishing.
3. Development projects must benefit the local population to »a just degree« through agreements made between the regional council and central government in Managua.
4. Local authorities are to be elected directly. Two regional councils in north and south, respectively, consist of 45 members for periods of 4 years. Each regional council elect a leader of the local government.

The election to the regional councils was held in February 1990 and representatives for the ethnic minorities got the majority of the seats.

The autonomy law seemingly fullfills the demands of the ethnic groups for self-administration within the territory, and the right to govern themselves within the Nicaraguan state. In reality however the law does not give specific rights to the population on the Atlantic coast, but rather the same constitutional rights as the rest of the people in Nicaragua. In october 1987 the different Miskito organizations joined up in YATAMA with Brooklyn Riviera as the leader and negotiations between YATAMA and the Sandinist government about the implementation of the autonomy law continued until the 1990 election. The Miskitos consider the law as a framework for a process towards true independence for the ethnic communities. As Renaldo Reyes put it: »It is not a question of approving or disapproving of the particulars of the law itself. The law is general and simply formalizes our right to self-determination. Autonomy will be what we make of it.« (Ortiz, 1988)

Of the flaws in the autonomy law one of the most important is the absence of a jurisdictional system to settle disagreements. The regional councils are independent politically and economically, but the different budgets must be worked out in cooperation with the national ministries concerned. This means that even though areas like health services, education and production are controlled locally, there is no guarantee at all for financial assistance from the central government.

The Sandinist government took the initiative to the autonomy law in order to secure and strengthen national unity around the revolution and sandinism. Reaching this goal might stop the marginalisation of the ethnic groups and undermine ethnic identity and ethnic nationalism. Cultural characteristics like language and traditions will be respected, but ethnicity as a form of resistance will disappear. Still, inherent in the law of autonomy is a potential for regional autonomy that far exceeds what ethnic groups in other parts of the world have achieved.

After the 1990 elections

With support from the US, Violeta Chamorro has been presented as the »democratic alternative« to the Sandinistas. The rightwing-coalition UNO (Union Nacional Opositora) covers widely different forces from the extreme right wing to liberal and socialist parties. So far it seems to be the moderate wing in UNO that is in control and Chamorro is seeking to reach a national reconciliation with the Sandinists, whom she cannot afford to ignore because FSLN still represent 40% of the population. In their election-program UNO promised full support to the autonomy-process and full economic and social integration for the Atlantic Coast as well as a guarantee of respect for its culture, traditions and political rights. Even

Miskito home on Nicaraguas West Coast. Photo: Svend Hansen

so, the change of government has meant a somewhat different start to the autonomy process than was expected because the Sandinists who have been a driving force in the process are now in opposition and have to await UNO's lead.

The political and administrative structure on the Atlantic Coast has been characterized by a long list of contradictions during the first year after the election in '90. Even though the regional autonomy councils have extensive political authority, they have very limited possibilities for action, because they lack economic resources and thus nobody can take any vital decisions. An effective system of tax collection has not yet been created and they receive very little economic support from the central government. The result is that the public activities that do take place happen through the single ministry (for health, transport, education etc.) which receives its resources directly from the central government and reports back only to the central government, leaving the regional councils in the dark. The contact to and coordination with the local mayors or the regional councils are virtually nonexistent and local communal elections have still not been held, leaving the local population without real influence. The central government has established INDERA, an institute for development of the autonomous regions, which is supposed to start projects in the region with the help of national and international donors. So far the investments that have been made in the region comes from international donor organizations without the involvement of the regional councils, who naturally consider INDERA as a controlling organ for the central government.

Most capitalist projects have been financed externally by Americans through the Moravian Church and historically the local population have not been directly involved in the economic activities causing a tendency towards a lesser social differentiation within the villages. Socio-economic differences exist between villages and ethnic groups, and the Miskito Indians traditionally occupy the lowest status groups in a society where the most realistic way to strengthen one's economic status has been to rely on money sent from relatives in the US. The historically conditioned paternalism and dependency exercised by the Moravian Church through the social development organization IDSIM and later years' donation of international aid have made it difficult to convince the locals of the importance of initiating economic activities outside a subsistence economy. Furthermore, the war and the ensuing relocations caused many traditionally organized villages to be destroyed. As the repatriation of the Miskito refugees and the ex-contras continues it will hopefully be possible to reconstruct Miskito villages, but traditional separate village councils have little potential for being heard in the discussions of the au-

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tonomy process, and it is vital that other forms of organization are initiated.

Structural adjustment programs

The government plan for stabilising the Nicaraguan economy does not differ radically from FSLN's policy up until the election. Large cut-backs in the military budget, new loans through US-AID and the reopening of trade with the US was not sufficient to solve the Nicaraguan economic crisis and in order to obtain new loans from the IMF, the government has had to initiate structural adjustment programs. The government's plan for structural reforms are quick liberalisation and privatisation of the economic activities. This involves stimulating the export sector with an expected negative effect on peasant production of subsistence goods; reduction of the state budget through savings on health and education and removal of subsidies and credit programs; devaluation in order to stop the inflation and drastic price rises in public services like water, electricity, telephone and transport. The stabilisation and normalisation of the Nicaraguan economy is seen as a precondition for any rebuilding and development of the country, but the successful implementation of this policy depends on whether the unavoidable negative social consequences can be lessened to a degree that does not endanger the process of reconciliation and create social unrest.

In order to ease the social consequences of the structural adjustment program UNO has recently presented two documents on government planning for future social policies. One document is a social emergency program based on an emergency fund in order to soften the worst consequences of the stabilisation program. Through short-term but extensive projects the fund is to cover fiancial aid and training for the unemployed, emergency food programs and a credit system for small commodity producers and dealers. The second document is a national program for social development and the prevention of poverty. It draws up guidelines for longterm efforts on the social area including extensive education, housing, health and culture. The actual economic conditions give no possibilities for financing intensive projects in these sectors through the state budget, but the plan is seen in a wider context of a detailed program for decentralisation and communal self-administration in these areas, placing large importance on participation.

An autonomous future for the miskitos?

The Sandinist rule and the ensuing contra war brought great social, economic and political changes to the Miskitos on the Atlantic Coast. Their villages have been destroyed and families uprooted, a lot of land has laid barren for years and the foundation for a traditional subsistence economy has been ruined, and they have had to change their way of conducting politics from almost non-involvement through armed fighting to taking part in a representative democracy.

The law on autonomy which the ethnic groups fought for is so far just words on a piece of paper. The two regional councils was elected in 1990, but local elections have still not taken place and the guidelines for the actual implementation of autonomy has not been made. They have had little say in the latest negotiations between the central government and international corporations about the logging rights for large forest areas on the Atlantic Coast. No economic resources of importance have been transferred to the regional councils and the government institute for regional development INDERA have only started limited projects. Development projects and investments are largely financed and carried out by US-AID which leaves the local population little room to determine and actively participate in their own development.

The members of the regional councils have had no educational or administrative training and do not have the political capacity or economic means to govern the regions effectively.
They are left in a political and financial void, where they are forced to seek economic aid from international donor agencies that usually have specific organizational and administrative demands, that will severely influence the possibilities for independent development. In RAAN where the majority of the regional council is held by YATAMA the situation is no better. Brooklyn Riviera has accepted an offer from the central government to become Minister for the Atlantic Coast, a decision critically considered by many. YATAMA is split up in at least three fractions and MISATAN is virtually nonexistent. In Puerto Cabeza, which is the main town in the Northern region, violence, crimes, strikes and general social unrest is on the verge of becoming uncontrollable for the local government.

The disagreement within the Miskito organization YATAMA is unfortunate at a time where the framework for the autonomy process should be determined and it will severely limit their political impact on central government policy and which is even more important, it reduces their strength as an ethnic group with an ethnic identity. The last twelve years of West Nicaraguan and Sandinist political influence has politicised the ethnic groups but also left them in a vaccuum between their traditional forms of organization and party-political disagreements. The autonomy law has an important potential to increase ethnic self-determination and participation in local development, but it is probably only within an autonomous framework, where the Miskitos number a large part of the population that a development process that takes into consideration their ethnic identity and culture will come into being.

In view of the general economic crisis in Nicaragua and UNO's plans for revival of the economy through decentralisation and privatisation, it is unlikely that the autonomy process will, if initiated, benefit the ethnic groups to any large degree. So far UNO's actual policy has not given reasons to hope for a quick and painless restructuring and development of the Atlantic Coast, - on the contrary it is going to be a long hard fight for economic resources in order to implement the autonomy and start an ethnic independent process of development. At a recent symposium on the autonomy process in Managua, which was attended by all members of the regional councils and representatives from the central government no conclusive results were reached. There seems to be, however, a growing understanding and cooperation between FSLN, UNO and YATAMA on the regional level against the central government. In spite of the many mistakes the Sandinists made during the first years of the revolution, at least they put high priority on the development of the Atlantic Coast during the last 5 or 6 years. A regional alliance between FSLN, YATAMA and local

UNO-members might bridge the gap between the different fractions in YATAMA, and bring ethnic demands and identity back on the political agenda. I sincerely doubt that the Miskitos have the political experience and momentum to achieve this on their own and a broad alliance is probably a prerequisite for effective pressure on the central government, in order to assure that serious discussions of the framework for autonomy are initiated. Maybe the Miskitos' best prospect of success is the victory of FSLN at the next election since it seems that the Sandinists have achieved an understanding of ethnic rights and identity on the Atlantic Coast and they will certainly not repeat past failures.

The historically determined cultural and ethnic gap be- tween east and west will not to be closed for years to come – if ever, but there is no doubt that the ethnic question and the Miskito Indians will play their role in the future. Until then the development of Nicaraguas' Atlantic Coast is left to international aid-organizations, while the population in general and the Miskitos especially try to survive and reorganize, I hope, a concerted action for true autonomy.

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INDIGENOUS PEOPLES OF THE SOVIET NORTH

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Interview with José Mirtenbaum

"The suppression of coca would mean the end of the Andean culture"

Bolivia, South America

By Alejandro Parellada

In recent years, José Mirtenbaum, a Bolivian anthropologist, has worked on the subject of coca. On November 28, in an interview with IWGIA in Copenhagen, José Mirtenbaum spoke to us about the importance of coca in Andean culture, and the risks presented by the current plan to eradicate the crop.

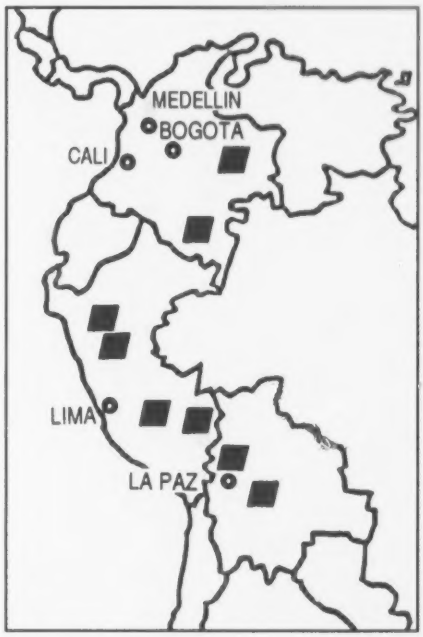
There is a widely held belief that the coca leaf is used exclusively for the production of cocaine, to the extent that one often hears coca being used as a synonym for cocaine. Could you tell us the difference between the two?

The coca plant has been cultivated in the Andes, for about two thousand years before the the birth of Christ and since then it has been used in its natural state, that is to say, as a plant for human consumption and without any chemical processing. Cocaine, on the other hand, is simply an alkaloid of coca. From the Andean perspective, coca cannot be destroyed; it is simply absurd to suggest this because coca serves a cultural, social and a nutritional function.

Coca is linked to farm work. Work which has to do, not only with the raising of the coca, but also with the form in which the leaf is consumed and the effect it produces.

One can understand that in an agriculturally based society such as the Andes, agricultural work is tedious and routine and it is precisely the coca which prevents the work being too boring. As a light stimulant it diminishes physical fatigue.

Areas of Coca-raising in Colombia, Peru, and Bolivia



This whole concept has been translated to the mines. Coca and the mines have a post-colonial association. The miner of Andean origin, have also managed to duplicate his own Andean identity through the use of coca. The miner uses coca before starting his work in the mines which are more than a thousand meters deep. He who does not »p'jchar« (chew) coca cannot start working that day because he would be considered as attracting bad luck.

There are however gender differences: women are not allowed to p'jchar as much as men. Women chew coca only on particular occasions, such as on their honeymoon, during childbirth (it is considered an aid to childbearing) and when she becomes a widow. It is also used to induce death. Here coca plays the role of mediation.

Mediation is perhaps the most important role played by coca. Mediation between extremes such as life and death or heaven and earth. The Andean world is decisively dual in nature. That is to say that we are dealing with a social »lubricant«, a substance which is a facilitator between dual perceptions. Therefore coca is highly ritualized. The ritual tries to generate a concrete form for the ambiguities of contradictions, of life and death, and coca works like that. When a man dies, his

Aymará Women from Bolivia. Photo: Hanne Jørgensen (IMPRESS)

transcendental being has to be transported on a breath of coca. Coca has access to both the heavenly and terestrial spheres.

Coca is transformed into a facilitating social medium, in terms of friendships, between couples, even between enemies. Once again, the role of mediation is an important one. In this sense we also have to look at the medicinal role of coca. Placed on a wound it is also a mediator between pain and pleasure.

Coca acts as a kind of an organic instrument which has a lot to do with the way one plans ones time: planting, reaping, all the activities related to agriculture. That is one aspect. The other is that the consumption of coca in the Andean world has a lot to do with cultural reproduction itself in the sense that there are adages and poems saying that when a man dies his soul is carried to the »beyond« on a waft of coca. Or that coca gives him the necessary energy to transcend to the other form of life, of existence. Therefore coca has a definite productive value, a magical, religious value and a reproductive value to the culture.

Coca is also used by the shamans of the Andes who make a reading of it. Many of the aspects of Andean life, such as marriages and harvest depend on how the coca is read. No one will plant without first reading the signs of the coca.

From the point of view of chemistry, coca has 14 alkaloids, Vitamins A,B,C, riboflavin, carbohydrates and some caffeine. There have been studies which demonstrate that coca is a supplement to the diet and not a substitute to it as had been previously thought. One of the justifications for eradicating it was that Andeans consumed coca because they had nothing else to eat, but this is not true. Coca has an important function in the body, especially for those who live at great altitudes. On the other hand, the Andeans, for reasons which have still not been well researched, are not good users of lactose. By chewing coca with »lejilla« and other substances a chemical reaction is produced which permits the absorption of calcium.

Cocaine

The stimulating effect of cocaine is due to the chemical function of the alkaloids. Thus, when speaking about cocaine, we reduce the coca leaf to one single alkaloid. The whole chemistry of coca has not been thoroughly studied and the only thing that has been extracted industrially has been cocaine. but cocaine undermines the importance of coca. In the sense that it concentrates the impact of the coca at very high levels. Cocaine is a very efficient anaesthetic, for example it has been used in surgery since the 19th century and even today it is used by orthodontists. The effect, therefore, in very small doses is anaesthetic, but inhaled in certain amounts it becomes a strong stimulant to the central nervous system. It is now clear that the excessive use of cocaine is extremely dangerous.

I hope to have clarified the difference between the coca leaf and cocaine. I would

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like to emphasize that their supporters are clearly culturally diverse.

When one talks today of suppressing coca, we are talking about wiping out the Andean culture because the collective representation of Andean culture is in the use and the symbolism of coca. Likewise the Andean culture has a vested right to use coca.

You state that the eradication of the cultivation of coca endangers the survival of the Andean culture. I have heard, however, that in Ecuador they destroyed the coca plantations without its meaning the extermination of the indigenous culture of that region.

That is partly true. But at the same time it is surprising that coca is again being cultivated in Ecuador, clearly not always for cultural reasons, but because in fact, Ecuador is linked to the political economy of cocaine.

In any case, the collective memory on the pan-Andean level maintains a very clear role for coca. It represents its virtues and – in accordance with Western culture – its vices, but on the whole coca is one of the most important manifestations of the culture.

In any event, there is talk about – and today more than ever of the substitution of coca farming. How is substitution possible?

Substitution as such is impossible. Economically speaking under the current economic cirumstances the peasant cannot substitute coca. Under the current market conditions there is absolutely no alternative to coca.

In recent years a basic element in the North American policy has been the war against coca growing and the production of coca. At the same time the government of the United States established a plan of economic assistance for the development of an alternative to coca. Could you comment on this?

In effect, coca and cocaine has been transformed into the new North American enemies. This is partly due to the fact that with the drastic weakening of communism, coca is the new threat, the new enemy. They have created false associations between subversive movements and the coca growers, I am referring to the famous concept of »narco-terrorism« which emerged more than ten years ago. The excessive American economic machinery linked to armaments makes it necessary to allocate these arms to a kind of war and today it is called the »war against drugs.« The problem is that the big traffickers are almost never caught because they are within the circles of power, but the indigenous peasant is caught and punished by the occupying North American forces.

With regard to the programme of economic assistance you mentioned, I can say that in 1990 an agreement was signed in Cartagena which established that up to

José Mirtenbaum at IWGIA's office

1994 President Bush would try to get 2.2 billion dollars for the prohibition, substitution and other types of activities related to the war against drugs. If we divide this amount among three countries, over five fiscal years, it turns out that each country would receive some 133 million dollars annually. In the case of Bolivia, this 133 million dollars has to fight an economy which is producing between 600 and 650 million dollars annually. Alternative development requires an enormous investment of capital which no one is prepared to make, and which does not at all guarantee that coca and cocaine would disappear from the face of the earth. Therefore I believe that the American gesture is symbolic and I do not think that they are really interested in solving the problem. Many people, even in the United States, consider this strategy a total fiasco. On the other hand, influenced by the laws of supply and demand, coca is incapable of being substituted in the present situation of inequality between the North and South.

The Bolivian Government has been systematically pressured to introduce a structural exercise beyond its means to repress an economy of considerable size with an insignificant amount of resources. The Government has submitted to North American pressure to impose a solution of general prohibition. Consequently the militarization of the civilian society in its entirety is gradually and dangerously taking shape.

Since you consider it impossible to eradicate coca, to what extent do you think it possible to supplant the current usage of the coca production?

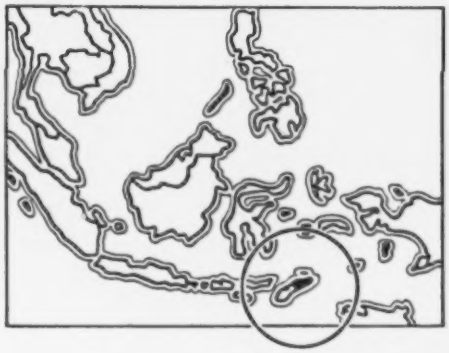
I think it is possible to substitute the use of coca. Part of this 80–90% which is today converted into cocaine could be put to more useful purposes, for example, in medicine. Of course, this is not going to solve the cocaine problem, but I will say, that it will take the North American soldiers out of the countryside.

The substitution of the use of coca and the opening for legal markets for coca, on the part of the Europeans for example, would not conclusively solve the cocaine problem on the consumption level.

Let us take the example of the United States. If the level of consumption of cocaine were reduced from the 20 million addicts which exist today to only about 5 million consumers, the cocaine market would still be sufficiently profitable to attract the attention of many people. Also if the United States forced the eradication of coca in Chapare, under the current economic circumstances, this cultivation would transfer itself elsewhere of less risk or the Bolivian Government would simply have to confront a situation of increased violence, such as occured in the Alto Huallaga valley in Peru.

I think that the European countries and mainly the United States should discuss this subject deeply and begin to reconsider a more socio-political, socio-economic and socio-cultural vision, not only towards the Andean societies but also towards the consumption of cocaine. ❑

East Timor:
Massacre at Santa Cruz Cemetery



East Timor, South East Asia

On Tuesday morning, 12 November, troops opened fire on three thousand Timorese, mainly youths, who had gone to Santa Cruz cemetery, Dili, to lay flowers on the grave of Sebastiao Gomes, the Timorese who was shot dead at Motael Church on 28 October. Many were killed; one source puts the dead at 180 although Indonesian estimates were initially 50 and later revised to 19. The dead were all removed and the area was cleaned. The wounded and the survivors were also taken away on trucks and between 40 and 300 were subsequently detained and there were reports of torture and beatings.

Some Timorese went to the Hotel Turismo where Professor Kooijmans, UN Special Reporter on Torture, was staying but the hotel had been surrounded by troops and they were unable to contact him.

It was later reported that between 60 and 80 detainees, witnesses of the massacre, were shot and buried in mass graves outside the city.

Foreign eye-witnesses, some of whom were beaten, state categorically that, contrary to Indonesian assertions, there was no provocation on the part of the Timorese.

Events on Tuesday 12 November

According to Timorese tradition, 7 days after death, a mass is celebrated and homage is paid at the cemetery where the deceased is are buried. This tradition was altered slightly in the case of the young man, Sebastiao Gomes, who was killed in Motael church on 28th October by Indonesian military, in that the ceremony of homage was held on the 14th day. A number of foreigners were also present.

The mass was celebrated by the Vicar General of the Diocese, and the film shot by the British journalist, Chris Wenner, shows that the majority of those present were young people, many of whom are seen solemnly receiving Communion.

Bob Muntz recounted later that at 6.00 am he attended the church service. »Mass was conducted with all the dignity and decorum one would expect – attended by 2,000 people. They then went into the street and unfurled banners in both Portuguese and English calling for George Bush to help East Timor«. At first he was behind the main rally but for the last half of the procession to the cemetary he was close in and »could confidently say there were no provocative actions. A handful of guards outside a military post approximately 30 meters from the road were the only military seen during the progress of the procession to the cemetery. People in the procession walked by them without saying anything to them. Likewise the guards said nothing to them. The people continued down past the school and stopped at the gates of the cemetery«. *(Bob Muntz, The Age 16/11).*

Procession

Russel Anderson said the marchers had left the Motael church after an hour-long service and had intended to walk four kilometres past the residence of the East Timorese Governor, Mr. Mario Carrascalao, to the Santa Cruz cemetery, and then to the Hotel New Resende, where Mr. Peter Koojimans, a delegate from the United Nation Human Rights Commision, was staying. (Sunday Territorian, 17/11).

Steve Cox accompanied the procession, taking photographs along the route. »As we started down the street, banners and flags began to appear on all sides. They took them out from under their T-shirts and I don't know where else. It all happened in a completely spontaneous and peaceful manner. Nobody was armed. You could hear the ceaseless shouts of »viva Xanana«, »viva independence« as they waved their flags and banners calling for international assistance«.

»Whenever the multitude passed a military or police post they waved the flags more vigorously and shouted louder. The atmosphere was getting more and more intense. Almost electric. And, although there was no obvious troop movement (apart from some soldiers inside the barracks or those who came out to watch what was happening), there was one moment when I was surprised by how much hate I saw in the loaded gaze of the one soldier who accompanied us. I remember seeing his finger almost squeezing the trigger and imagining, for an instant, the tragedy which could happen if he opened fire«.

»But the procession had already passed

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in front of the Governor's Palace and euphoria was making the crowd break into a *run. I ran also, trying to keep up always* with the front line of the procession. In all, I would say that there must have been about 6.000 people. Along the way, more people joined in the procession. Young children and youths for the most part« (Independente, 22/11). Cox recalls that as the procession passed a school, a number of younger children in the playground, rushed out and joined in with the marchers. *(Norte e Sul, December 1991).*

Shooting

Arrival

According to Russel Anderson, when the marchers reached the cemetery, the military cut them off from the rear and started unloading troops from lorries. »At eight o'clock they formed a line and started jogging towards us«.

»People started moving away from them, and then the soldiers opened fire. There was a rain of bullets, rapid automatic fire for two or three minutes as they chased demonstrators. As people were fleeing, a lot would have been shot in the back«.

Mr. Anderson said he had seen two American journalists, Allan Nair and Amy Goodman, just south of the group of demonstrators, huddled against a wall. He said they had urged a New Zealand student, Kamal Bamadhaj, to stay with them, but he had moved back into the crowd. »He was in the front line of demonstrators and didn't stand a chance... I fled down the street with Bob Muntz«. – Russell Anderson. Mr. Anderson said that he had made a statement to Prof. Koojimens. *(Pegasus, E. Mail, 17/11; Sunday Territorian, 17/11).*

Bob Muntz said that »when several hundred mourners were inside and several hundred more were pressing to get in, the army opened fire for two or three minutes, reloading their weapons when they were empty. Perhaps a thousand rounds were fired.

Muntz, his left arm in a sling from a flesh wound sustained as he fled, said thousands of shots were fired into the unarmed crowd. »I can say it was very intense fire... I began running as fast as I could to get out of the line of fire«, he said. *(Reuters 15/11).*

The accounts given by the two US reporters, Allan Nairn and Amy Goodman, were consistent with those of the Australian and British witnesses. »These marchers were totally unprotected« Goodman said. «There was absolutely no warning. Until the last minute I couldn't believe they would fire on this crowd – kids who were five years old«, she said. Young girls clung to her for safety when the firing started.

As described by Nairn, who was at the front of the group, troops marching in formation with American-made M-16s in firing position approached the crowd in the cemetery. »As the people saw this they tried to shrink back. There was a small collective gasp in the crowd. As the soldiers turned the corner they raised their M-16s and began all at once firing into the crowd«, Nairn said. »Amy and I went and stood between the soldiers and the crowd because if they saw foreigners there with cameras and tape recorders they wouldn't shoot. That didn't work«. (Reuter 15/11).

The English photographer, Stephan Cox, who had already entered the cemetery and was inside the crypt taking pictures of the people praying when the shooting started, told of being trapped for 30 minutes in a crypt in the Santa Cruz Cemetery as Indonesian troops mowed down East Timorese outside. »I was in the crypt with dozens of people, with children as young as six or seven piled on top of each other, cowering and reciting prayers over and over again«. Mr Cox said. »As the military moved around the cemetery firing, people dragged themselves into the crypt bleeding and dying. I was just crouched in the middle. I couldn't take in what was happening, just seeing blood and flesh hanging off people mortally wounded. It still hasn't sunk in«.

»An Indonesian soldier wearing plain clothes saw me and yelled at me, saying: »What are you doing here, what are you doing here? You've seen everything! I tried to reply but he yelled: Shut your mouth. I saved you«. As I was being frog-marched out to a truck. I can confirm from the limited view I had that I saw at least 60 bodies. The military were dragging them by the feet with their heads bouncing on the ground and piling them on to trucks. I was beaten in the truck and then thrown out at a police station on the outskirts of Dili«.

(Pegasus, E-Mail; Sunday Territorian 17/11).

Detentions

It is reported that 249 prisoners were rounded up and taken to Dili general barracks immediately after the shooting. Some of these were later released but many are known to be still imprisoned. (Público 25/11)

Children from East Timor showing flags of FRETILIN. PHOTO: Archive IWGIA

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Later events in the city of Dili and in other areas

Relatives refused access

There were scuffles outside Dili General Hospital on Thursday morning, 14 November, when relatives of dozens of Timorese wounded at the Santa Cruz Cemetery on Tuesday, were refused entry by two platoons of troops surrounding the building.

A number of wounded have died – one source says as many as 14 but nothing can be confirmed by our source in Dili as relatives are not allowed to visit the living or take home for burial the bodies of the dead. It is thought that the bodies of all those killed are being buried in Taci Tolu, some five kms north of Dili, a place often used since the start of the Indonesian occupation, to bury the victims of Indonesian atrocities.

From 7 pm each evening there is a strict curfew, but even during the day, few people venture out. Most children are not going to school because reports are circulating that troops are preparing to raid several Catholic schools.

Fear pervades the city. Timorese agents working for the army are believed to be preparing to raid the residence of Bishop Belo, head of the Catholic Church. According to Church sources in Lisbon, a large number of people sought refuge in the Bishop's residence after the massacre on Tuesday.

The Bishop has strongly denied, in an interview with one journalist, the army's accusations that the Church has been organising demonstrations. He is virtually incommunicado, his phone is cut off and he has not received any letters, even from Jakarta, for several months. *(Tapol 14/11)*

Family from Santa Cruz City, East Timor. Photo: Lena Hellkvist

Tension throughout East Timor – Arrests in Ainaro

A number of youths were arrested in Ainaro on 12 November, the day the Santa Cruz massacre occurred in Dili. So far, the names of only two of the persons arrested are available: Cesar Araujo, 24 years old, and Hendriki da Costa, 20 years old. They are still being held in Ainaro kodim (district military command) where they have been tortured.

Our sources in East Timor report that the atmosphere in many districts is extremely tense because of high-level army activity and clampdowns. Communications difficulties make it extremely hard to obtain detailed information about arrests and atrocities outside Dili.

Our contact in Dili said today that soldiers in the town are arresting people in the streets who bear signs of having been wounded. Many of those injured during the massacre fled from the scene and avoided going to hospital, for fear of being taken into custody.

Reports circulating in Australia that Bishop Belo has been arrested are not true, but his residence is under constant surveillance and he is continually being threatened. It is not clear how many people are still taking refugee in his home. After the massacre, no fewer than 257 came to his home for protection.

Meanwhile, East Timorese students in Bali have been privately informed that the local army command intends to clamp down on them over the weekend. They fear that many of them will be arrested. *(Tapol 15/11)*

Dili airport was closed on 20 November and all communications with the city have been almost cut off. The Catholic St. José

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High School is reported to be still closed and the city is living in a climate of »fear and total isolation« with nobody walking freely in the street. *(Expresso 30/11)*

Bishop Belo

Dili, Nov 14 (AFP) – East Timor's Roman Catholic Bishop Carlos Ximenes Belo said on Thursday that 257 young East Timorese were given refuge by his episcopate office shortly after Indonesian troops fired on a crowd of mourners here on Tuesday.

The shootings, in which up to 50 people were killed, occurred at the Santa Cruz Cemetery during a memorial service for one of the two young Timorese killed under mysterious circumstances here on October 28.

»On Tuesday morning, 257 young men came here to seek refuge, arriving from the cemetery in different ways,« Belo, a native of East Timor, told AFP. He said he had personally accompanied some of the them back to their own homes later the same day and on Wednesday.

Belo said he went to the local military hospital on Wednesday and counted 89 young men with either bullet or stab wounds, or both. »As to the exact death toll, I don't know,« Belo said, adding that while the military maintained there were 13 dead other sources, including witnesses, had told him between 50 and 80 people died in the shooting.

He said an army major had been stabbed during the clashes on Tuesday and he believed that could have sparked of the soldiers' fury. (AFP Nov 14)

In a pastoral note released on 14 November the Bishop said that when the procession was entering the cemetery, shooting began »against the students and young people« and he added that »no warning shots either in the air or the ground« had been heard beforehand. He was at pains to emphasise that no clergy had accompanied the procession to the cemetery.

With regard to the dead he quoted a »reliable source« as having seen 80 bodies piled in two lorries and »others were in sacks«. He added that »the young people who had not succeeded in escaping were the target of ferocious beatings: beatings, kicks, blows from gun-buds and bayonets and some were stabbed in cold blood or in the chest, in the belly« *(Expresso 30/11)*

Governor Carrascalao

Lusa reported that the Indonesian governor of East Timor, Mario Carrascalao, had protested at the massacre and threatened to resign unless Jakarta took drastic measures to restore the confidence of local people.

Carrascalao, who is from East Timor, told a Lusa correspondent in Macau by telephone that he saw the funeral procession pass by his office before it was fired on.

»There were no strong reasons to open fire,« he said. »The authorities in Jakarta must find out who was behind the shooting.« Carrascalao said he would not continue as governor unless the Indonesian government »makes up for this bad deed and takes drastic measures to restore the confidence of the population.«
He said the streets of Dili were deserted on Wednesday night because, »there is a generalised situation of fear.«

Carrascalao said the authorities in Jakarta told him 13 people were killed and 30 seriously wounded in Tuesday's massacre, but he was aware that church sources gave a much higher death toll.

He said an unknown number of dead were loaded into a covered truck after the massacre and taken to Dili hospital. (Lisbon, Lusa, 13/11)

»We are all in mourning because they are innocent people who died,« he said. Actual demonstrators only numbered about 1,000, he added. Troops should have controlled the crowd long before it reached the cemetery, said the governor. He accused military commander Brigadier-General Rudolf Warouw of failing to assess the threat and condemned his year-old strategy for putting down the insurgency against Indonesia's rule over East Timor's 750,000 people. The governor attacked employment by the security forces of »rightists« whom he said often made use of their weapons and their training to settle old scores. »They are bandits and terrorists, the extreme right« *(Dili, Reuters, 13/11)*

Arrests in Jakarta

Large numbers of East Timorese demonstrating peacefully in Jakarta on 19 November, were detained by security forces. The protesters were trying to present a statement to the United Nations Information Office and the Japanese and Australian embassies. (Amnesty International 21/11)

Tri Sutrisno later announced that of the 70 Timorese detained 49 had been released. Col Wajman is reported to have stated that some of the detained were likely to be tried for crimes against state security and subversion, the latter carrying the death penalty: (Público 25/11) Indonesian television later showed pictures of these prisoners for the first time. *(Público 30/11)*

Arrests in Bali

Thirty three Timorese students are reported to be detained on the island of Bali and a further five are said to have disappeared. *(Expresso 30/11)*

Fresh shootings

80 prisoners shot dead on 15 November
Eighty prisoners, most of them youths, were shot dead in the district of Be-Mussi on 15 November 1991. According to reliable sources whose identity must be protected for their own security, the 80 prisoners were loaded into four trucks, from the Dili Korem (military headquarters), from Taibesse, and from Manleuana (where a new detention centre has been set up since the Santa Cruz massacre) and taken to Be-Mussi.

The troops first forced the prisoners to strip naked. Their hands and feet were bound and they were blindfolded. After being loaded onto the trucks, they were covered with a huge canvass so that no-one could see what was inside the trucks.

After arriving in Be-Mussi, the prisoners were taken from the trucks to the edge of a newly-dug ditches and shot dead with several volleys of machine-gun fire.
The troops who carried out this premeditated slaughter, just three days after the massacre in Santa Cruz, Dili, were hooded but it is known that they are from the 700th and 744th battalions. These battalions are from the Hasanuddin Division, in South Sulawesi. The occupiers have now transferred many prisoners to Kupang (Indonesian Timor) to hide them from foreign missions that are visiting the territory at present and to prevent them from getting International Red Cross protection.

It has been confirmed that many of the Timorese who were murdered in Santa Cruz were children, primary school pupils who were going to an early morning shift

when they joined the procession as it left Motael Church, on their way to school. Unprepared and confused by the ferocity of the army's attack, they had much greater difficulty than the adults in escaping from the gunfire. *(Tapol, 17/11, Daily Telegraph 19/11)*

17 executions on Sunday 17 and Tuesday 19 November.

Journalist Anthony Balmain reported that a further 10 Timorese were executed at midnight on Sunday 17 November, apparently because they were witnesses of the Be-Mussi killings.

He also reports hearing of the further execution, on the following Tuesday, of 2 children and 5 women, who had been present at the killings on the Sunday. *(Público 25/11)*

Inhabitant from East Timor. Photo: Archive IWGIA

Indonesian Statements

Initial statements referred to Xanana Gusmao and armed guerillas being among the people at the cemetery and quoted a figure of 50 dead. Later statements revised the death toll downwards and referred to an unruly mob which the troops had unsuccessfully tried to restrain, leading to the death of an Indonesian major. The shooting was also described as due to a misunderstanding of an order given by a junior officer.

Gen. Try Sutrisno was unrepentant but Major-General Sintong Panjaitan and Ali Alatas later expressed regrets.

Witnesses contradict Jakarta's claims.

»I can say categorically that the claims of Indonesian military forces are nothing but lies to cover up the most appalling atrocity that has been perpetrated on the people of East Timor for quite a number of years,« Muntz said. Muntz, who works for the charity Community Aid Abroad, said he accompanied the procession on its way to a cemetery in Dili to mourn the death of an independence sympathiser two weeks earlier. He said Indonesian army reports that mourners fired a shot or threw a grenade at the soldiers were not true.« - Bob Muntz (Reuters 15/11)

Allan Nairn, on assignment for The New Yorker magazine, and Amy Goodman, of New York radio station WBAI, disputed the claim by Indonesian officials that the troops were provoked into firing on Tuesday by armed Timorese guerrillas. The two journalists said at a news conference that they saw hundreds of troops fire without provocation on unarmed marchers, including children and elderly people. »It was a case of a planned and systematic massacre... This was a very disciplined operation. This was not a situation where you had some hothead who ran amok« Nairn said. *(Reuters 15/11)*

International reaction

East Timor

Ramos-Horta calls for arms embargo

Paris, Nov 14, Reuter – The East Timor opposition urged the United States and the European Community on Thursday to impose an arms embargo on Indonesia following a massacre of mourners at a cemetery in the disputed territory.

Opposition spokesman Jose Ramos Horta told a news conference in Paris that his Fretilin alliance of guerrillas and clandestine civilian groups, opposed to Indonesia's annexion of East Timor, wanted the U.N. Security Council to meet immediately.

He said Indonesian troops killed at least 100 people in Dili on Tuesday and the death toll could rise to between 120 and 150 because some of the wounded were in a critical condition.

The army has said 19 people were killed and 91 injured at the Santa Cruz cemetery during the funeral of an independence activist. Witnesses put the number of dead at more than 50.

»I would hope that the EC and the United States would show solidarity with the Portuguese stance and ask for an immediate meeting of the U.N. Security Council... and ask for an arms embargo, » Ramos Horta said. »Without armaments from Western countries, Indonesia will not be able to pursue its war against East Timor.«

EEC: Declaration by the twelve

The following is the full text of the Declaration on East Timor adopted by the Foreign Ministers of the 12 members of the European Community in Noordsvijk, Holland, on 13 November 1991.

»The European Community and its Member States are gravely concerned over reports on 12 November that members of the Indonesian armed forces in Dili opened fire on a group of demonstrators, killing and wounding a considerable number.

The European Community and its member states vehemently condemn such violence, which is in clear contravention of the most fundamental human rights.

The European Community and its Member States will obtain further information about the circumstances surrounding this incident at the earliest possible opportunity, if possible from independent sources.

The European Community and its Member States urge the Indonesian Government to ensure that members of the Indonesian armed forces and police in East Timor refrain immediately from using vio-

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lence and that the members of the armed forces and police who were responsible for the tragic outcome of this incident are brought to trial.«

Call for arms embargo – Strasbourg

The European Parliament in Strasbourg urged the EC and the UN to ban arms sales to Indonesia and called for an international investigation into the killings. *(Daily Telegraph, 22/11)*

United Nations

Nov 14, Reuter – An investigation which Indonesia plans to conduct into the shooting of civilians in East Timor by Indonesian troops must be through and credible, a spokesman for Secretary-General, Javier Perez de Cuellar, said on Thursday.

This was the third time in three days the U.N. spokesman had referred to Tuesday's incident. »The Secretary-General has seen press reports from Jakarta indicating that the Indonesian government intends to conduct an investigation into the events which occurred in Dili.« the U.N. spokesman said. »The Secretary-General feels that such an investigation must be thorough and credible,« he added. An official of the Geneva-based U.N. Human Rights Commission, Peter Kooijmans of the Netherlands, who happened to be in Dili when the shooting occurred, will give the Secretary-General a report on information that has come to his attention, even though he was not an eyewitness.

Kooijmans has conveyed his concern to the authorities in Jakarta and received assurances that the »physical integrity of those taken into custody by the Indonesian authorities is preserved,« the U.N. spokesman added.

Kooijmans was to meet Indonesian Foreign Minister, Ali Alataas, on Friday and return to Geneva on Monday.

Perez de Cuellar said in a statement issued through his spokesman on Wednesday that he »profoundly regrets the events that have taken place in East Timor and the loss of innocent lives and he is profoundly disturbed by what happened.«

After first learning of the shooting on Tuesday he said he »deplores the loss of innocent lives« and hoped effective measures would be taken to avoid any recurrence. (Reuter 14/11)

Talks on UN mission visit Oporto, 30 November – Perez de Cuellar told reporters that he intended sending the UN Special Rapporteur on Extrajudicial Executions, a Kenyan, to Jakarta because of the events in Dili on Nov. 12 but he was still awaiting confirmation from Jakarta. Diplomatic sources in the Indonesian capital said they knew nothing of such a visit. (RTP Portuguese TV, 30/11)

The UN Secretary-General also confirmed that talks were under way with a view to sending a mission of observers to East Timor and that at present he was awaiting a response from the Indonesian Government. (Público 30/11)

Portugal

According to a plan leaked by »Expresso« Portugal intends to press the Twelve, at their coming meeting in Maastricht, to support a Portuguese proposal to the UN, which would oblige Indonesia to sit at a negotiating table with Timorese representatives without preconditions. It will also endeavour to get the EC to take more interest in the East Timor question. *(Expresso 30/11)*

Holland

The Hague, Nov 14 (AFP) – Dutch Foreign Minister Hans van den Broek called in the Indonesian ambassador to the Netherlands on Thursday and expressed the government's deep concern over Tuesday's massacre by Indonesian troops in East Timor, a spokesman for the Foreign Ministry said. Indonesia was formerly a Dutch colony.

On a seperate note, the Dutch Ministry for Cooperation and Development announced a grant of 250,000 florins (130,000 dollars) to East Timor, a former Portuguese territory annexed by Indonesia in 1975. A spokesman said Van den Broek, in a 30-minute meeting with Ambassador Bintoro Jjokroamidjojo, called on the Indonesian Government to treat humanely those detainees held in barracks and police stations following the shooting of mourners by the army during the funeral of a resistance sympathiser in the East Timor capital Dili.

He also asked that Indonesian authorities leave alone people who were hospitalised and those who fled to offices belonging to international aid organizations.

He pledged to shed light on the massacre which, according to Indonesia, left 19 people dead, but as many as 151 according to other sources. *(AFP 14/11)*

Aid suspended

It was announced on 22 November that all future aid to Indonesia had been suspended until the events in Dili on 12 November had been clarified.

In a letter to the Dutch Parliament, a senior diplomat stated that he had arrived at the conclusion that the massacre was a deliberate action on the part of the Indonesian military and not the impulse of the moment. *(Público 22/11)*

Britain

In Britain, the Foreign and Commonwealth Office has played down its reaction. A spokesman admitted that Britain joined its European Community partners in condemnation, but said that when the Indonesian ambassador was called in last week, Britain had expressed concern which did not amount to a protest. *(Observer 17/11)*

An editorial in »The Times« drew attention to the UK's recent arms sales to Indonesia and urged Britain to press for a UN-sponsored referendum in East Timor. *(The Times 22/11)*

USA

Washington, Nov 14 (AFP) – The U.S. administration defended its military aid to Indonesia Thursday, which has been threatened by Congress after protesters in East Timor were killed in a confrontation with the army.

»We think that a continued and well focused military assistance program for Indonesia can contribute to the professionalisation of the Indonesian military,« said State Department spokesman Richard Boucher. A total of 2.3 million dollars has been budgeted in the form of military aid for the 1991–1992 fiscal year, which began October 1. The money is only for training and education. »These kinds of programs expose the trainee to democratic ideas and humanitarian standards« he said.

Washington, Nov 14, Reuter – The U.S. State Department called in Indonesia's ambassador on Thursday to urge that those responsible for a massacre of civilians in East Timor this week be punished. State Department spokesman Richard Boucher said ambassador Abdul Rach-

man Ramly was summoned so that Washington could voice deep concern at the deaths, reported variously to number up to 180, on Tuesday during the funeral of a Timorese separatist.

»We're urging a prompt and complete investigation, followed by the appropriate disciplining of those determined to have excessive force,« said Boucher.

»We believe that nothing that may have taken place could justify a military reaction of this magnitude resulting in such a large loss of life by unarmed civilians.«

Call for suspension of military aid

Washington (Nov. 15), DPA – The chairman of the Senate Foreign Relations Committee, Clairborne Pell, called Friday for a suspension of all U.S. military aid to Indonesia in the wake of the killing of as many as 100 people by troops in East Timor. Meanwhile, 223 members of the House of Representatives called for the U.S. government to use its influence to support human rights in East Timor, a territory that was seized by Indonesia in 1975. *(Indonesia Publications 17/11)*

Australia

Hawke shifts East Timor policy

ABC: Prime Minister, you have called for the Indonesians to sit down and talk with the East Timorese including the resistance. I take it you are signalling here a shift in policy. Previously we have of course said these things are an internal matter.

Hawke: Well, in the end obviously they will be. The world is not going to invade Indonesia and impose the world's will on Indonesia. It is in the end ultimately a matter for Indonesia but what I tried to do in a constructive and friendly spirit at the time of tragedy is to say, in as a friendly and positive fashion as I can that the Indonesians must sit and reflect upon where they are in regard to East Timor.

(Transcript of an interview with Australian Prime Minister Bob Hawke by ABC reporter Maxine McHugh on »AM«, 15.11.91:)

Demonstrations

Sydney, Nov 16 (AFP) – Hundreds of people gathered in central Sydney on Saturday for a protest march and memorial ceremony for victims of the massacre by Indonesian troops in Dili, East Timor's capital. Some 700 marchers shouted »Stop the Killing« and »Suharto is a butcher« – a reference to the Indonesian president – as they made their way through light drizzle towards Sydney's Hyde Park. Here they lit candles and placed them before portraits of some of those who died in the shootings in Dili, among them Sydney university student Kamal Bamadhaj. In Adelaide about 150 people took part in a rally at the office of the Indonesian national airline Garuda.

Indonesia

Human rights organizations react

Three human rights organizations in Jakarta, Infight (the Indonesian Front for Human Rights), LPHAM (Institute for the Defence of Human Rights) and the League to Uphold Justice have expressed their profound disquiet at the shootings which occurred in Dili, East Timor on 12 November 1991.

Representatives of the three organisations went to the People's Legislative Assembly (DPR) where they met four MPs from the Indonesian Democratic Party (PDI).

They urged the DPR to set up a fact-finding commission composed of DPR members, human rights organisations and individuals with a known commitment to the principles of human rights.

The three organisations also urged the DPR to do everything possible to have the persons responsible for the shootings brought to justice. The DPR should, they said, call on the armed forces commander-in-chief, General Try Sutrisno, to publicise the names of the fifty persons who, he admits, have been killed.

The three organisations today met Professor Kooijmans in Jakarta. He told them he would be submitting a report about this incident to the Indonesian Government and the UN Secretary-General by January next year. He estimates that between 50 and 60 people were killed when troops opened fire at the Santa Cruz Cemetery, but said the death toll could well rise because so many people were seriously wounded. He said he thought that about sixty people are still in detention. He was not able to confirm reports that some detainees, who were on the army's blacklist, had been executed while in custody.

The human rights delegation said it was essential for the armed forces commander-in-chief to allow relatives of the casualties to collect the bodies of those killed in the massacre for burial. Relatives of those in hospital should be allowed to visit them.

The delegation also reminded the DPR members that there have been many such acts of violence perpetrated by the armed forces, referring in particular to the massacres at Tanjung Priok in September 1984, in Lampung in February 1987, and the killings in Aceh in the past few years. *(TAPOL report, 14/11)*

Investigation team in Dili

Timorese resistance sources say that they refuse to participate in the Indonesian Commission of Inquiry currently taking place in Dili. The Commission is comprised of six Indonesian MPs and one Timorese.

José Ramos-Horta said that the reported demonstration outside the team's hotel was organized by the Indonesian security forces in an attempt to show that freedom of expression existed. (Expresso 30/11)

It is also reported that one of the two battalions implicated in the massacre, (no./nr. 303) departed for Jakarta on 29 November, while the other (no. 700) had left for Sulawesi the previous week. *(Expresso 30/11)*

Conference of Bishops contest official version

The Indonesian Conference of Bishops, which hitherto had restricted itself to regretting the killings at Santa Cruz, has now openly contested the official version of the massacre and accused the military of being responsible. *(Público 30/11)*

Source:
East Timor News. No. 2, 2/12/91 ❑

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Lubicon Cree still need help

By Karin Sonne-Jensen and Claus Oreskov

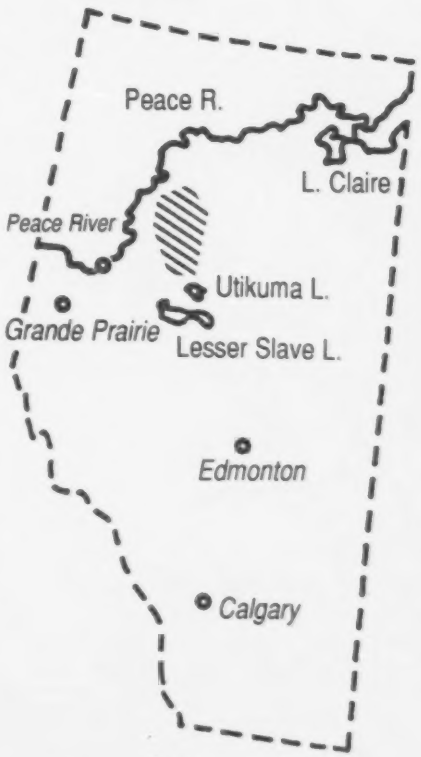
Alberta, Canada

» Of course Daishowa wants to cut trees... they're getting those trees for next to nothing... but the fact of the matter is while they are doing that, they're fulfilling the wish of the Government, and that's to kill the Lubicon people.«
(Chief Bernard Ominayak, Lubicon Lake Indian Nation)

The Japanese forestry giant, Daishowa plans to undertake logging in a huge area on the traditional territory of the Lubicon Cree in Boreal Forest Region in Northern Alberta.

For more than 50 years, the Lubicon Cree have been fighting for their aboriginal landrights. In 1988 an aggreement was reached with the Province of Alberta, according to which the Province was supposed to transfer 95 square miles of reservation area to the Lubicon Cree plus a compensation of 170 million dollars for the billions of dollars that the oil and gas companies have appropiated from the Lubicon Cree traditional land which measures about 4000 square miles. The federal government put an end to this agreement by not being willing to fulfill their responsability ie. to pay the compensation. Since then (1988), the federal government has ignored the demands of the Lubicon Cree to start serious renegotiations to solve the question of landclaims and compensations. In the meantime, the government of Alberta has leased an area as large as Great Britain to a dozen multinational corporations. Two Japanese controlled forestry companies alone, Daishowa and Misubishi, have been granted leases to clearcut 15% of the province, and hereby ALL of the traditional Lubicon Territory, except the future reserve of 95 square miles mentioned above. The Lubicon Cree were never consulted in this matter by the Government of Alberta, even though the Royal Proclamation of 1763 gives Aboriginal nations the right to exercise jurisdiction over their traditional land areas until a treaty is negotiated between the Indians and the British Crown (later Canada). The Boreal Forest Region which covers 34% of Canada is part of the largest natural ecological zone on Earth, and is home to more than 25000 animal and plant species. Obviously, the clearing of such a vast area has disastrous effects on the eco-system. Furthermore, 65 miles north of the Lubicon Cree's traditional territory Daishowa has built the largest hardwood pulp mill in Canada which consumes 4 million trees a year and which uses chlorine compounds and produces toxic organochlorines,- a potential threat to human health.

Map of Lubicon Cree Hunting and Trapping Territory, Alberta



At first, Daishowa promised to postpone the logging activities until the Lubicon Cree had enterred into a treaty aggreement with Alberta and the federal government. In spite of this, Daishowa, began together with other companies, extensive logging activities, at the end of 1990. The Lubicon Cree have been and still are trying with all means to stop these logging activities;they even went to Japan to speak with the Daishowa president, Kiminori Saito, who nevertheless refused to meet the delegation. They succeded, however, in alerting environmentalist groups in Japan and made these groups' protest along with European, Canadian native and non-native groups. The Daishowa enterprise is not unaffected by this international pressure; to maintain an outwardly honorable image, the Canadian Vice President and general manager, Tom Hamaoka has given his word that no logging will be undertaken on the Territory of the Lubicon Cree this winter, but the

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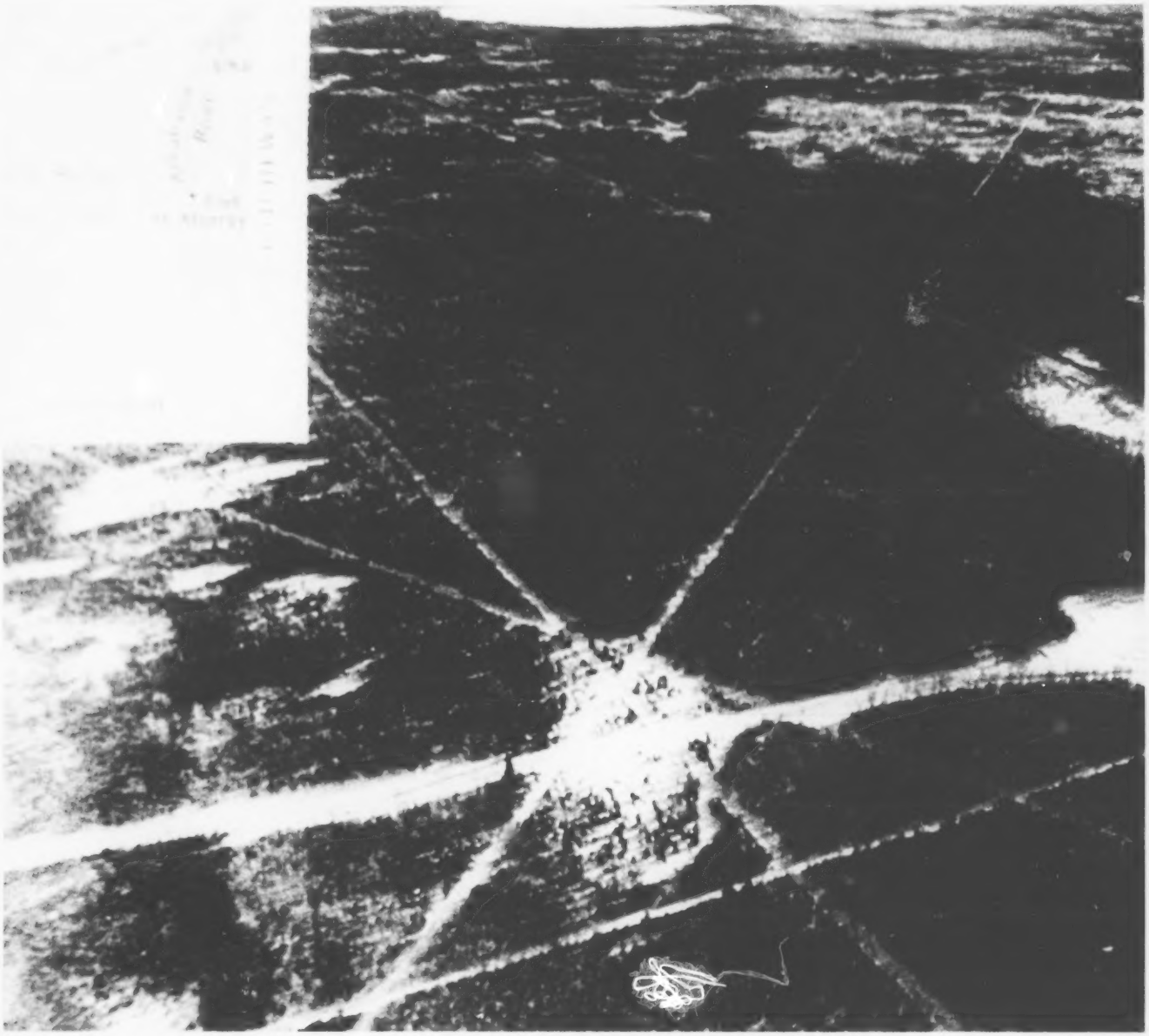

Destruction caused by the oil industry in the Lubicon territory

Lubicon Cree have good reason not to have faith in this promise. It is therefore absolutely essential that the pressure be kept on this time until there is a clear, firm, and public commitment by Daishowa to stay out of the entire unceded Lubicon Territory pending a settlement of Lubicon landrights and negotiation of a harvesting agreement with the Lubicon people taking into account Lubicon wildlife and environmental concerns.

Please send protest letters to:
Mr Tom Hamaoka
Vice President
Daishowa Company, Canada Ltd.
3500 Park Place
666 Burrard Street
Vancouver B.C.V6C 2X8
Canada
FAX: +1–604–689–2853

- and please write to the Prime Minister of Canada, urging him to take up serious negotiations with the Lubicon Cree:

The Honorable Brian Mulroney
Prime Minister
Government of Canada
Ottawa, K1A-OA6
Canada
FAX: +1–613–957–5632

Copies of letters should be sent to:
Lubicon Lake Indian Nation
c/o Mr. Fred Lennarson
3536 – 106 street
Edmonton, AB T6J 1A4
Canada
Phone: +1–403–436–5652
FAX: +1–403–437–0719

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Canada:
Full environmental review delays hydro project

Quebec, Canada

The summer of 1991 may be remembered as the summer native groups delayed construction of the Great Whale Hydro Project. Hydro Quebec had hoped to start building roads and airports this fall. A comprehensive environmental assessment would have prevented such a scenario. Quebec's solution, which was to speed up the environmental assesment, would have presented such a scenario. Quebec's solution was to speed up the environmental assessment by segmenting it into two parts: first the access infrastructure, and secondly the complex itself.

The fast track approach angered native groups, made environmentalists lobby harder, gave New Yorkers second thoughts on buying from Hydro Quebec, and prompted the Canadian government to join the fray with its own review panel. In the end, Premier Bourassa delayed the project for a year.

Quebec Under Pressure

The Quebec government came under pressure early in the process because of their decision to break up the environmental assessment. Critics of the project called this strategy »illogical.« Nevertheless, Quebec's Environment Minister, Pierre Paradis, pursued the strategy by conducting an assessment of the access infrastructure. This was done by means of the Kativik Environmental Quality Commission (KEOC) process.

Summer newspaper editorials argued that Bourassa's »hydro-electric economics« were outdated, and out of tune with a more environmentally- conscious public. It was argued that the project would not be profitable since Quebec would be selling electricity to magnesium and aluminium smelting companies substantially below market price. Laval University professors Gérard Bélanger and Jean-Thomas Bernard maintained that Quebec would lose $300 million per year by selling power to aluminium smelters. The province of Quebec would thus be subsidizing the smelters on a large scale.

Utility companies in the U.S., such as the New York Power Authority, have also been reconsidering the consequences of buying electricity at the cost of the northern environment. Although they have not cancelled any contracts, they have requested that the proper environmental review processes be carried out. In addition, potential U.S. buyers of Hydro Quebec electricity have been pressured by voters to do their own environmental assessments, and reviews of future power requirements.

Furthermore, the Crees took Hydro-Quebec to court, and won. Makivik was an intervenor in the case, which called on the federal government to honour certain sections of the JBNQA. Federal Court Judge, Paul Rouleau, ruled on September 10th that the environmental assessment provisions of the JBNQA must be adhered to. The ruling means Inuit and Cree will have representatives on the assessment panel as required in the JBNQA. Quebec has not announced if it will appeal the ruling to the Supreme Court of Canada.

Due to these pressures, the Quebec Environment Minister has repeatedly postponed the assessment deadline as well as announcing a one year delay in construction.

Events during the Summer of 1991

In late June, the arrival of KEQC officials was loudly protested in Kuujjuaraapik. Cree and Inuit residents wouldn't let them out of the airport, though some Inuit wanted to talk to the commissioners. The hearings were re-scheduled. The KEQC report deadline was extended from August 9th to September 12th, and now indefinitely.

In July, federal Environment Minister Jean Charest announced an Environmental Impact and Review Panel (EARP) that would hold public hearings on the proposed Great Whale project. It would review the overall impact of not only the two phases of the James Bay II project, but also other possible, future mega-projects bordering Hudson Bay.

Makivik President, Charlie Watt, responded to Charest's announcement by saying, »We favour the assessment of the combined effects of these mega-projects

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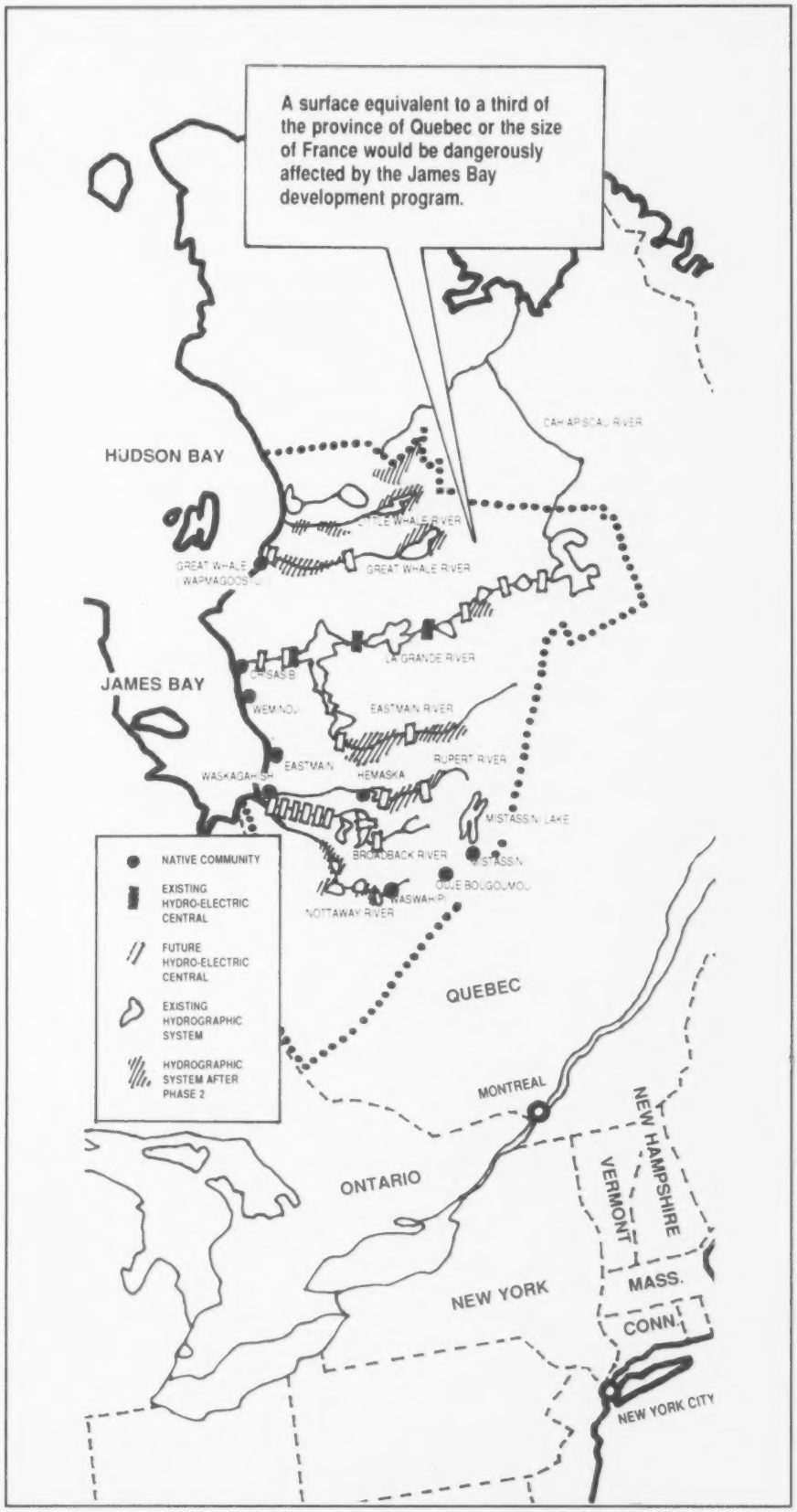

on the ecology of Hudson Bay and James Bay where the Inuit of Nunavik have unsettled claims to the offshore area.« Such claims are under the jurisdiction of Canada, hence the need for federal participation.

The EARP process will review the cumulative effects that cover matters under federal jurisdiction. These include navigable waters, migratory birds, and marine mammals.

The EARP mandate also states that interim reports may be issued. Makivik President, Charlie Watt, was disappointed about this, saying, »This opens the door to sectorial authorizations of, for example, the access infrastructure. Such a segmented approach would necessarily fail to consider the cumulative impact of the various elements of the Project. The authorization for constructing the road before the entire review is completed would, in all likelihood, prejudice the assessment of the hydro-electric complex itself. These are precisely the sort of problems which a single comprehensive review was intended to avoid.«

KEQC Hearings move to Umiujaq and Inukjuak

When Pierre Paradis announced the delay of the project on August 22nd, the KEQC was just starting an afternoon session in Inukjuak. Most of the hearing was reserved for Inuit from Kuujjuaraapik who were flown in to speak to the commission. As the purpose of the KEQC is to listen to the concerns of residents, the resulting testimony was characteristically negative towards the project.

Luke Inukpuk, one of the Innuit flown in, said, »Although there has been a decision to hold simultaneous hearings on the proposed access infrastructures and dam facilities, we are still against both phases of the project. The decision changes nothing, we still maintain our opposition.«

Johnny Inukpuk, a local elder, said »The road will bring more availability of alcohol, which is a threat to Inuit culture. But my main concern is the release of mercury from the land into Hudson Bay if the project goes ahead. The mercury-laden effluent will contaminate marine animals and could mean an end to the Inuit way of life.«

Lucassie Echalook was concerned about »the possibility that animals, espe-

cially caribou, could contract respiratory problems from the dust thrown up by an unpaved road. Animals cannot seek shelter from the clouds of dust as humans can.«

Sanikiluaq Mayor, Peter Kattuq, was also in Inukjuak. He told the commissioners, »The discharge of several rivers contaminating Hudson Bay will infringe upon our right and responsibility to maintain a clean environment for the animals we have been entrusted to take care of. We cannot afford to have other people rearranging our relationship to the land and sea.«

Inuit and Cree from Chisasibi were also there to give hard testimony about the effects the »La Grande Project« were having on them. Pauloosie Angutiguluk and his wife testified that »the effects from the road and hydro project were very bad. Young people are abusing drugs because the road connecting the south to Chisasibi makes alcohol and drugs easy available. There are also road accidents resulting from such availability. We have also seen young, unwed mothers whose children are left abandoned and fatherless by itinerant hydro workers.« Pauloosie added, »The fish near the project were rendered inedible by the mercury contamination from the reservoir. We now have to travel about an hour by plane before we can fish for fish that are not poisoned.«

Inuit from Kuujjuaraapik are worried about the possibility of not being provided with access to clean water if the project diverts the river. Their problem could be quite serious since their only close source of water is the Great Whale River.

Sappa Fleming, Mayor of Kuujjuaraapik, voiced his concerns as well: »Hydro Quebec study teams have been, and are abandoning whole camps of tents, buildings, oil drums and trash at the end of their studies.«

Overall, the contamination of the Hudson Bay food chain was of greatest concern for the Inuit at the hearings. KEQC chairman Peter Jacobs assured the Inuit that they would be coming to the communities again to hold more hearings. They also assured them that the project will not go ahead until the Inuit have had their say. The KEQC has the power to authorize the project. Inuit concerns heard in Umiujaq and Inukjuak will be likely translate into a long list of conditions the KEQC will impose on Hydro Quebec before it can proceed in building the Great Whale Project. The conditions would mitigate the impact of the project on the lives of the Inuit.

Mitigating the effects on Inuit lives, should the project go ahead, is also the main concern of Makivik Corporation. There are positive developments to report from the negotiations with Hydro Quebec in an effort to reach an Agreement-In-Principle (AIP). An AIP would bind Hydro Quebec contractually to provide compensation for the Inuit. Hydro's initial plans included the diversion of the Nastapoka River. Makivik negotiators have managed to exclude the Nastapoka from the project. Negotiations also dealt with the type of monitoring that would take place during, and after construction, and the type of funds that could be set up.

It's hoped that an AIP will be signed in late fall with Hydro Quebec.

Source: Makivik News, 1991 ❑

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No. 2: Peter Elsass, director and anthropologist – Earth is our Mother: Arhuaco

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No. 3: Lode Cafmeyer, director (anthropologist: Gustaaf Verswijver) – Green Puzzle of Altamira: Kayapo in Brazil and Yaminahua in Peru (50 min. Belgium, 1989).
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IWGIA

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International Work Group for Indigenous Affairs

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Editorial

There seems to be an increasing understanding that indigenous peoples' human rights should include environmental rights.

The expansion of industrial societies and the incorporation of the tropical rain forest and the Arctic tundra in the development of industrial societies has revealed, that only by showing respect for indigenous people's rights – which includes all types of environmental rights – will we have a chance to avoid ecological disaster.

The environmental rights of indigenous peoples of the Arctic were under scrutiny at a hearing held in Copenhagen in January. Some of the speeches and documents from this event are published in the first section of this Newsletter.

For some years, in Geneva, the United Nations' Working Group on Indigenous Populations has been drafting a Universal Declaration of indigenous peoples. In this process, no issue seems to be more important than indigenous peoples' right to land. The grabbing of indigenous land is by no means history. The expulsion of the Pehuenche Mapuche from their homeland is only one example, which was documented in IWGIA Newsletter 3/91. We bring a follow-up article, which tells something about the special Chilean way of celebrating the 500-year anniversary.

In Hawaii the US government has misused its trust responsibilities and for centuries Native Hawaiians have lost more and more of their lands.

The Yanomami resistance against gold digging, road building and other types of encroachment on their land has become a symbol of indigenous resistance against land grabbing and cultural destruction. The Brazilian government has now finally accepted to proceed with the demarcation of Yanomami land. The process of creating a Yanomami Park has taken 20 years as explained by Claudia Andujar in an interview.

From Peru, Tim Cloudsly shows how ethnocidal processes can result in the creation or reinvention of cultural identity although in new forms. Thus, the new authentic cultural affirmation has been framed by outside repression.

Far from Latin America the Natives of Sarawak continue their blocking of logging activities. We bring a few short documents on this.

From another part of Malaysia we publish a background article about the Orang Asli.

During the 48th session of the UN Commission on Human rights Sudan was one of the countries of the world which came under severe attack from governments as well as from NGOs. For very good reason unfortunately. Gross violations of human rights includes genocidal warfare against the Nuba and the Fur. We bring a lengthy documentation on the fate of the Nuba, first published by Africa Watch.

In the UN meeting in Geneva gross violations of human rights were documented by IWGIA from Bougainville, Burma and Chittagong Hill Tracts, Bangladesh. In December 1990 democracy was introduced in Bangladesh. Nevertheless, the new government has chosen to continue the former military regime's policy towards the Chittagong Hill Tracts which continues to be ruled by the military.

In May 1991 elected indigenous delegates from all political levels of the Soviet Union met in Moscow. Since then, the Soviet Union has collapsed, but the results of this meeting might show the aspirations of the indigenous peoples of Russia. ❑

Jens Dahl

Cover: *The Greenlandic theatre group Tukak performing » The Mother of the Sea« to close Way and IWGIA's hearing on Arctic and Nordic environmental rights in a global perspective. Photo: Jan Frydenlund*

Public Hearing on Environmental Rights:

The Arctic and the Nordic Countries in Global Perspectives

Copenhagen 10th January 1992
Organizers: International Work Group for Indigenous Affairs (IWGIA-Denmark) and the World Assembly of Youth (WAY)

The following witnesses presented testimonials:

Finn Lynge
(Indigenous Survival International)
Georg Blichfeldt
(Survival in the High North)
Helle Siegstad
(Inuit Circumpolar Conference)
Britt Sparrok
(Saami Youth Organization in Sweden)
Pekka Aikio
(Nordic Saami Institute and the Finnish Saami Parliament)
Aqqaluk Lynge
(Inuit Circumpolar Conference)
Jury: Elina Helander, Gunvør Hoydal, Arne Kalland
Chairman: Jens Dahl (IWGIA)

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Arctic Hearing

Statement of the Conference

By Elina Helander, Gunvør Hoydal, Arne Kalland

Arne Kalland, [redacted]
[redacted] Photo: Jan Frydenlund.

Gunvør Hoydal, biologist.
Photo: Jan Frydenlund.

Elina Helander. Nordic Same Institute.
Photo: Jan Frydenlund.

The concept »Environmental Rights«

The witnesses stressed different aspects in their definition of the concept »environmental rights«, but there was a general agreement that the concept supplements and strengthens the Human Rights. There was also a concensus that the environmental rights must at least include two components. One is the right to a clean environment that can secure the health and well-being of the people concerned. This includes the protection of the natural resources on which the people depend. The other component mentioned was the right to utilize the natural resources in a sustainable way and to use their products in order to meet their economic, social and cultural needs, whether on a subsistence or commercial basis.

The Arctic and Nordic Region

Through the presentations the following features regarding the area emerged:

(1) The area is often perceived as marginal in a political and economical sense. It is scarcely populated and many of the inhabitants belong to indigenous groups (Inuit, Saami, Indians, and 26 small nations in Russia). They are minorities in their respective national states, a fact which has serious consequences for the possibilities to influence decision-making processes concerning environmental and other issues of importance for their lives. To a large extent, raw materials in various forms are extracted from the region by outsiders.

(2) A Large proportion of the regional population is depending on renewable natural resources, such as fish, sea mammals, reindeer, plants, birds and other wildlife forms for their livelihood. Many of these resources vary greatly between seasons and from one year to the next, and it was stressed that the population must have access to several resources in order to make a living. An example is the Saami people who traditionally have combined reindeer herding with fishing, hunting, and gathering. This allows great flexibility.

(3) Another important point made was the vulnerability of the renewable resources in the north. Pollution and other environmental disturbances have long-lasting effects, and it was felt that there is inadequate knowledge about the effects of PCB, heavy metals, and radiation from Chernobyl etc.

(4) There is an increasing number of people, institutions and activities (e.g. military installations, nuclear testing grounds, oil and mining industries, long-distance fishing fleets from the south, tourist facilities) that claim access to the North. It was expressed that these new activities are threats to the environment. As examples can be mentioned destruction of vegetation caused by tourism and military manouveurs.

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The Region and Environmental Rights

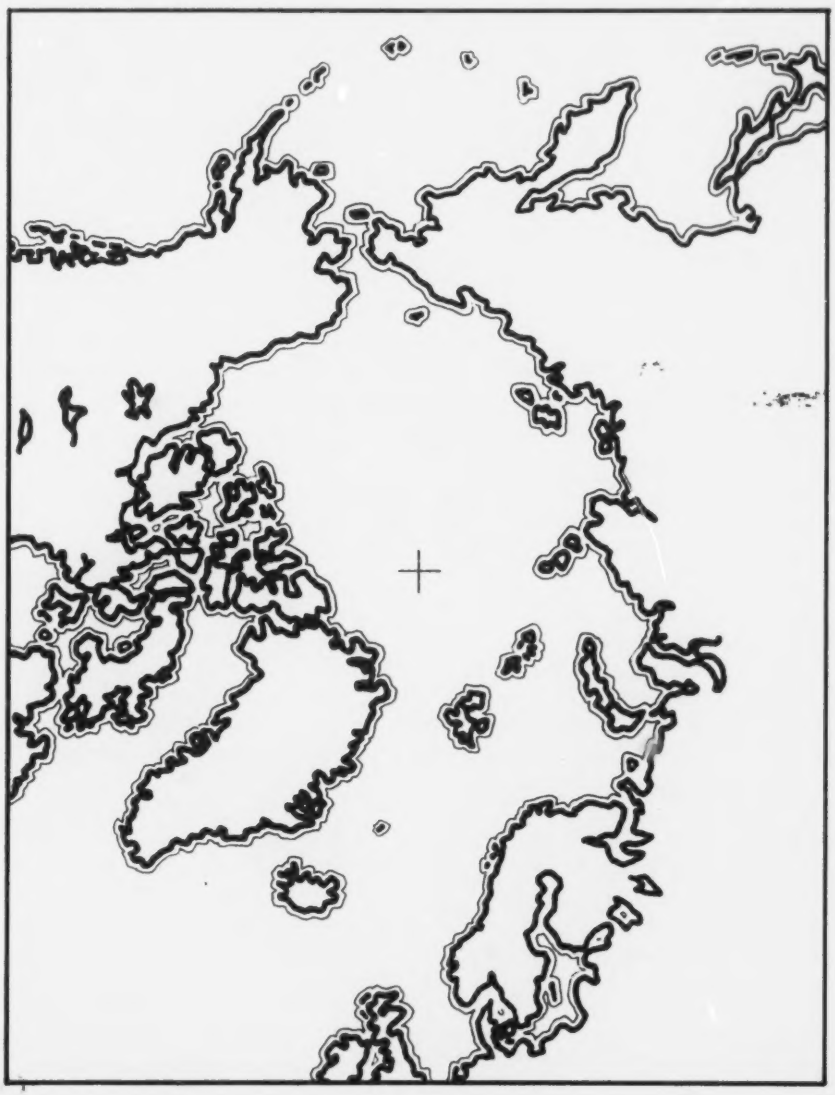
It is with this vulnerability of the region in mind, that we have to view environmental rights. Two important points were made by the witnesses as to the right to clean environment. First, the threat to the environments is partly caused by new users of the north areas, and it was demanded that the local population should be able to protect their own areas and control the access, both to natural resources and the area itself. Second, it was demanded that the people in the Arctic should be given influence on activities conducted in distant areas (Continental Europe, UK, USA, Russia, etc.) when these activities have important impacts on the life of Arctic and Nordic people.

Two points were specially stressed regarding the right to utilize natural resources and their products as the local population best see fit. They feel that their rights are threatened from two corners: from the national states and from certain environmental activists and organizations. It was mentioned that, at least some indigenous peoples, have been able to increase their influence over the
planning and decision-making processes regarding their access to the natural resources. On the other hand, others expressed great concern that their interests are being sacrificed as parts of greater international deals, as e.g. northern Norway where fishermen are afraid that their fishing areas will be further opened to foreign fishing boats. They demand that the marine resources should be mainly reserved for the local people and not be used in trade-offs. Moreover, they demand that the local population should be given influence of the management of their own resources, because they possess an extensive body of knowledge pertaining to the ecosystem of which they are parts, and which they have accumulated through millenia of experience in a harsh and barren environment. Only when the local population is given this influence and this body of knowledge is tapped, can sustainable development be secured, they said.

The other main challenge comes, according to the witnesses, from certain environmental activist. In Finland, for example, large areas traditionally used by the Saami people are set aside as national parks, thus forcing the population to increase their utilization of the remaining areas, with several ecological consequences. One witness referred to the Conventions of 1966 concerning Civil and Political Rights, and on Economic, Social and Cultural Rights which say that »in no case may a people be deprived of its own means of subsistence«. Those who represented sealers and whalers were particularly concerned and stressed that the campaigns against sealing and whaling have caused tremendous economic, social, psychological and cultural stress. They claimed that the campaigns are not based on ecological considerations since they hunt only species which are not endangered, but which can be harvested in a sustainable way. They regarded it as cultural imperialism when told by outsiders that their hunting activities are unethical. They demanded that these campaigns should be stopped and the international market be opened to their products.

Summary

As a summary it can be stressed that local participation in decision-making processes is a requirement for sustainable development in the Arctic and Nordic region, and that the people should have the right to use the natural resources in a sustainable manner on which their cultural survival depends. At the same time it was stressed that pollution constitutes a serious threat to sustainable development, and thus also to the cultures in the region. Finally, they are of the opinion that they possess knowledge about ecological systems which could be valuable to mankind in general if put to proper use. ❑



The Arctic

Arctic Hearing

Greetings from Prime Minister Gro Harlem Brundtland to the IWGIA Conference

For the first time in history we are acknowledging that human activity has had serious and possibly irreversible consequences on the environment and on all living things on this planet. Global warming, destruction of the ozone layer, decline in biodiversity, desertification, deforestation and the scarcity of clean water clearly illustrate the environmental challenges we face.

Indigenous populations and ancestral cultures are among those most directly affected by the destruction of the environment. They have survived over the ages because they have managed to lead balanced lives in harmony with nature. They have employed their natural resources without depriving successive generations of the means to satisfy their basic needs.

Organized development and excessive use of natural resources have led to the breakdown of the environment in certain areas and put future lifeforms at risk. The legal and institutional changes which follow in the wake of this development contribute to increasing the pressure and the result is that indigenous people and traditional cultures in reality become the victims of cultural extermination.

The World Commission on Environment and Development concluded in their report »Our Common Future« that sustainable development was the only way to meet the global challenges we which confront us. This strategy has received wide international support – at least in principle.

Sustainable development implies that we must endeavour to remove the underlying causes of environmental and developmental problems, such as poverty, injustice and the suppression of human rights and traditional cultures. This requires cooperation, solidarity and the willingness to take responsibility for our common future.

The World Commision addresses itself to all groups within the society because we think that everyone should have the right to influence the decisions which affect them, and because we believe that democracy and wide popular participation is a prerequisite to implement the drastic changes on which are imperative.

For the first time in international negotiations for the preparatory process for the Brazil Conference has provided a forum, for the first time in international negotiations, for wide popular participation which can set the pattern for future international cooperation in facing common challenges.

Native peoples and traditional cultures are an important part of this process. They bring with them generations of knowledge, experiences and skills concerning the mastery of very complex ecological systems. Marginalization of these vulnerable groups is symptomatic of a path of development which neglects both human and environmental concerns. Among other things, ancestral cultures require recognition and protection of their traditional rights to land and to the use of natural resources in a sustainable manner. Our attitude towards them will be a testcase for a sustainable policy.

Arctic Hearing

Declaration of the ICC (Inuit Circumpolar Conference)

By Aqqaluk Lynge, Vice President

Thank IWGIA

First of, on behalf of the ICC, I would like to thank IWGIA-DENMARK for once again taking the initiative to provide a forum, in which we, the indigenous people and inhabitants of the Arctic regions, can have the opportunity to bring to the attention of the Danish public our position on the inter-Arctic and international cases relating to the protection of the environment and development.

For many years IWGIA has done a tremendous job in informing the world on the rights of indigenous peoples, and in supporting our efforts in having these rights respected and considered in international conventions and declarations.

In this organization, and in cooperation with SIMU (Cooperation on International Environment and Development), which I am happy to state includes women- and youth organizations, IWGIA-DENMARK has placed great emphasis on reaching out to an even larger audience here in the Nordic countries, as well as in the international community. We appreciate your enthusiasm and commitment.

Profile of ICC

The Inuit Circumpolar Conference, as most of you are aware, is an international organization which represents the Inuits of Canada, Alaska, Greenland and the Tjukotka peninsula in Siberia (Far East Russia).

Because outsiders have drawn national boundaries criss-crossing the Arctic region, dividing up the Inuit territory under 4 jurisdictions, we have preserved our identity and value cooperation among ourselves, as well as with other indigenous peoples of the Arctic regions and national regimes in the Arctic.

Aqqaluk Lynge.
Photo. Jan Frydenlund

For more than 10 years ICC has encouraged cooperation between the Arctic states and the indigenous populations of the Arctic, especially in connection with issues relating to the environment.Since 1983 the Inuits have cooperated in the development of an Arctic Policy, which we expect to be completed in the course of 1992. This Policy is being elaborated against the background of resolutions and ICC's own policy since its establishment in 1977-80, and it states, among other things, the Inuits' responsible position on various environmental questions.

The protection of the environment has always been a matter of the highest priority to the Inuits. Our economic, social and cultural dependence, on living resources in particular, has contributed to our considering environmental work one of the main cornerstones of ICC, regionally and internationally.

One could in fact call ICC an »Inuit environmental organization«. While there is the tendency for people in the industrialized world to consider mankind as separate from and in conflict with nature and the environment – perhaps because they themselves feel alien to nature – the Inuits perceive environment as a unit consisting of nature *and* man.

IRCS

As Helle Siegstad touched on here this morning, in 1985 (with Finn Lynge at the forefront as ICC's first Commissioner on the Environment) we embarked upon a comprehensive project on the environment, which intends to create the Inuits' own regional strategy on the environment. This initiative has gained tremendous international recognition, and earned us the UNEP Global 500 Award in 1988.

The implementation of the Inuit Regional Conservation Strategy itself is a long and costly process. Especially because the world's total Inuit population of around 115 thousand people inhabit an area covering more than 5 million square kilometres, which are further divided into 4 national States, each of which has its own attitude towards the Inuits' own initiatives.

The goal we set 6 years ago is far from being reached. But fortunately several regional projects have been established in Greenland, Canada and most recently in Alaska and these are running on the grounds of the Inuits themselves. It is exactly this point, that this »trial« project is taking place on the Inuits' own premisses that is at the core of the entire strategy.

The strategy was developed, partly in resistance to the harrassment suffered at the hands of environment- and animal protection organizations and partly in order to assemble the Inuit traditional wisdom on the environment and resources. An important dimension which research has ignored over the years, because of our objection, but which is meaningful in relation to the development of monitoring and administrative regimes.

We can now state, especially with regard to the latter that our work has borne fruit.

The economic headache concerning the implementation of the strategy continues. But while the Inuits via regional land claims and steps towards autonomy are having an influence on several administrations – with a few exceptions primarily in relation to living resources – the ICC has to a great extent been able to concentrate its efforts on getting a foot in the door in international forums relating to research and monitoring of the Arctic environment as a whole.

Furthermore, with the help of resources from, among others, funds, Ministries of the Environment and similar institutions, ICC has been able to give financial support to various research projects and in so doing influence institutions and scholars to set priority on the areas which the Inuits consider important to their local societies.

A concrete example could be the investigations on chemical contamination which are in progress as a scientific cooperative effort between Greenland and Canada. Helle Siegstad has earlier today illustrated the significance such research in this type of trans-boundary pollution has for the Inuit communities.

First of all people naturally need a healthy environment, as the basic principles of the ECE Charter state. Secondly, they need information on the possible health risks of consuming polluted foodstuff. Thirdly, they need to know the sources of pollution as well as to have an influence on the decisions affecting the regulation of pollution and so on.

Who pollutes...?

For years ICC has contributed to stopping projects which pose immediate threats to the Arctic environment. For example, in the case of the Arctic Pilot Project involving the transportation of petroleum in huge tanks through Davis Straedet and which resulted in severe noise pollution.

This was to be taken by the environmental organizations as an expression that Inuits were against any form of development, after which any initiative to make the Inuit societies self-sufficient through the extraction of non-renewable resources was called hypocritical by those organizations.

This was the case in spite of the fact that the safety standards set by the Inuits for development projects far exceeded the requirements for such projects in the industrialized world. The environmental organizations at the same time, supported by the so-called animal rights organizations, have been contributing to the undermining of our way of using the living resources which must be considered the most harmless and environmentally justifiable and which has been the basis of Inuit existence for thousands of years.

The real threat to the environment – against the flora and fauna, against water and air, against the entire ecosystem -comes primarily from industrial pollution in the USA, Canada, Europe and the former Soviet Union.

There is talk of a long list of pollutants, from radioactive contamination to noise pollution to oil- and chemical pollution which spread through the air and water to the vulnerable ecosystem of the Arctic.

Needless to say, many types of air- and seaborne pollution, as well as contamination in the food chain through migratory species, greatly affect the indigenous peoples in the whole circumpolar area.

Unfortunately such is the case that documentation of PCB and organic chlorine pollution which invisibly damages animals and humans from within, does not have nearly the same impact as a bestseller or a brochure in Mrs. Hansen from Hvidovre's mail-slot showing a photo essay on »Seal and Whale Carnage« It is perhaps because Mrs. Hansen does not want to pay to find out that the seals and whales she pities so much, among other things, live on the plastic bags she herself throws in the garbage every day.

The subject is of no (economic) interest for the environmental and animal protection organizations to get involved with or to impress upon their members. So it is important for the people of the Arctic regions to participate in these forums to work towards charting new waters on the greatest possible scale in an effort to eliminate the sources of pollution, so that our experiences, our wishes and needs can be incorporated in the strategies developed.

»Keep Nature Clean« and »Think of the Animals«

The Inuits take man's responsibility for nature and the environment seriously. Therefore vast human and economic resources are allocated for active participation in the initiatives concerning the surveillance of the global and particularly the Arctic environment.

Nevertheless we as indigenous people experience the strange and frustrating situation in that the environment- and animal protection organizations to a great extent earn money from presenting us negatively to the public without having to provide proof or scientific documentation.

At the same time we find time and again that the burden of proof in human- and environmental rights matters rests on the shoulders of the indigenous people.

A recurring theme in the endless stream of demonstrations on the environment,in a wider sense, is thus to hold out on our rights, as indigenous people for a justified usage of the resources that exist within our territories, as was firmly stated at our »Arctic Leaders Summit« in Hørsholm last summer and at the CSCE conference in Moscow last autumn.

Moreover, in order to make ourselves heard at the right time and in the right place ICC, through extensive lobbying has fought to secure an important role on the environment front internationally. As an NGO the organization plays an active role within the auspices of the United Nations and is currently playing a prominent role in the

UNCED process where a youth delegation is participating on behalf of ICC.

National initiatives

The indigenous people of Canada and especially ICC have been involved in 1990 in the drafting of a superior environment plan »Green Paper«, in which the Arctic component, called the »Arctic Environment Strategy, is viewed as one of the cornerstones.

The USA and Alaska have been generally less active in environmental protection initiatives, even though in the »United States Arctic Research Plan of 1987« ,inter alia on ICC's initiative a substantial amount of environment research was recommended.

In the case of Greenland the Home Rule Government established an environment and natural resource management scheme in the 1980's, which has now been merged with the Health Board under the Department of Health and Environment, which the Home Rule Government itself took over on January 1 last year.

Based on the 1988 Landsting (local parliament) Decree relating to the protection of the environment, the Department of Health and Environment has now undertaken a series of regulations concerning garbage and waste disposal. Additionally there are plans to establish an Institute of Natural Sciences which will carry out several research, training and information projects relating to the protection of the environment, such as the »Keep Nature Clean« campaign and so on.

Rovaneimi

Both the ICC and the Home Rule Government of Greenland have been actively involved from the beginning in the Rovaniemi issue which is also called »The Finnish Initiative«. The Home Rule Government participates officially as part of the Danish delegation (Greenland's Environmental Investigations are still under the Ministry of Energy), while ICC and the Nordic Saami Council have achieved permanent observer status as an NGO.

The Rovaneimi process specifically consists of the various states with land in the Arctic region under their jurisdiction coming together to draft an action plan for the protection of the Arctic environment which deals mainly with the control and elimination of trans-border pollution.

ICC considers the »Arctic Environmental Protection Strategy« and the joint declaration signed by 8 Arctic States in June 1991 as an important landmark for the indigenous Arctic populations. ICC, the Nordic Saami Council and »The 26 Nordic Nations« as a united body has exerted very strong influence in gaining recognition of the local and native peoples' special relationship to the Arctic and their unique contribution to he conservation of the environment.

However, it must be pointed out that there is still no reason to cheer. As with most statements of intent, there is need for follow-up.

At the first real working session of the Arctic Monitoring and Assessment Programme (AMAP) in Tromsø at the beginning of December, it was quite clear that the intentions emanating from the declarations as well as the actual Arctic environment protection strategy would not receive high priority in the implementation stage unless the ICC and the Nordic Saami Council pulled the weight.

In a joint agreement, ICC and the Nordic Saami Council strongly urged AMAP to collect the existing »traditional knowledge« on the Arctic environment on the same level as scientific data, as well as to recognize this important contribution to the understanding of the environment by incorporating it in its future work.

Environment and Human Rights

Goal setting in ICC's environmental work consists of ensuring that development take place on a sustainable basis. By this is meant that development : 1) should hold the capacity of the Arctic and global ecosystems in high esteem, 2) should contribute to a safe and healthy Arctic environment. and 3) should safeguard the indigenous peoples' cultures, as well as respect their basic rights, values and priorities.

Such development cannot take place without the direct participation of the indigenous people at all levels. This means both in the planning phase as well as in the assessment and surveillance of the social, cultural and economic impact of such development on society. Environmental and human rights have a clear connection in this context.

We consider it a human right, that we have a decisive influence on the development projects which are carried out in, or influences our territory – be it land or sea.

We consider it a human right, that our traditional knowledge about the environment and the living resources be taken into consideration; partly in relation to industrial intervention with environmental consequences, especially for us and partly where administrative measures concerning the usage of the living resources are established, could possibly bring about restrictions for us.

We consider it a human right to be able to continue to carry out our subsistence activities on a justifiable basis.

We consider it to be a violation of our human rights, when our land and sea, and the fish and hunted animals, on which our existence is based, are contaminated and threaten our state of health (see point 1 of the ECE charter).

Therefore, we, as indigenous people, are ready to continue the struggle for our rightful place in international society – in relation to the determination and administration of both human and environmental rights which we conceive as being integrated entities. ❑

Arctic Hearing

Environment and human rights

By Finn Lynge

I would like to begin by saying thank you to WAY, SIMU and IWGIA for having arranged this hearing. It is extremely important for a forum to be created, from which we can send a message to the Rio Conference this summer, and it is especially important because of the subject involved. Time is short and we could discuss this topic for a very long time. We could easily hold a week-long seminar on this subject, if we had to. For the sake of brevity I will limit myself to just one matter in this introduction, and that is the new World Conservation Strategy, »Caring for the Earth« which was published in the fall. It is an important document which, as in the case of the 1980 World Conservation Strategy, was framed by the IUCN (International Union for the Conservation of Nature and Natural Resources), UNEP (United Nations Environment Programme) and WWF (World Wildlife Fund).

In contrast to the 1980 World Conservation Strategy, this programme contains many direct references to the topic we are dealing with today: the relationship between human rights and environmental rights. I would like to direct your attention to some of these. The drafters of this document have dealt with the issue of aborigines and so on by weaving it, so to speak, into other texts, instead of separating it from the rest and treating it separately in a chapter of its own. We have therefore to look through various parts of the document to find out exactly what the links are to this question, but if one follows this approach, the effort will prove fruitful.

Finn Lynge.
Indigenous Survival International
Photo: Jan Frydenlund

It says on page 11, in the sub-paragraph on creating a national framework for integration between development and the conservation of natural resources, that...« it is important to consider people as the central element in the system when one takes the social, economic, technical and political factors involved in the utilization of natural resources into account.« This is an excellent point of departure for our discussion here today.

I would just like to name two examples of how this principle has been and is being violated over and over. One is the question of rain forests, where there are many examples of the rain forest being discussed without really involving the people who live there. There are of course those who go into the rain forest inspired by the sheer profit motive. But those who really want to save the rain forest are also part of the complex of problems. The second concerns the implications for Arctic wildlife. There are many cases of people who are interested in protecting the wildlife in the Arctic, but who do not consider the hunters who have lived off the Arctic animal life for thousands of years. Therefore in practice, they go off on a tangent, cause more damage, contribute to the destruction of their existence and this does not help the animal population. So this a good key to begin with.

On page 14 we find a paragraph which I believe is very meaningful which points out a new angle in the natural conservation question, and that is what we can call the animal protection issue.

Up to now, it has always been the case that one could reasonably well distinguish between one branch of the animal protection societies which are involved with how much individual animals are suffering and what could be done to alleviate or prevent such suffering. On the other hand there are the movements which are involved with protecting the process of nature, that is, the ecological aspect. In themselves they are two separate things but over time there has been a confusion of the two concepts

in public consciousness and debate. This has a long historical explanation which I will not go into. The fact is that this confusion has taken place and is alive in people's minds. With the elaboration of the new World Conservation Strategy we are compelled by this confusion to say that the desire to protect nature and the processes of nature must contain a component which in English is called »to care«. The document is therefore called »Caring for the Earth«, which can perhaps best be translated to mean »taking the Earth into our hands because we feel something for it.« The ones who drafted the document are of the opinion that in future we cannot ignore the fact that all over the world there is a sentimental involvement which has not been the case previously. That is why on page 14 it says...«it is a duty to respect every form of life, regardless of what it is worth to man. We should therefore treat all creatures properly and protect them against needless cruelty and unnecessary suffering.«

This is a new facet and it is clear that here a seed to a conflict has been sown. No one can dispute what is at stake. Likewise no hunter can disagree that animals should not be killed unnecessarily, and that we should not go hunting to torture animals, but to procure food. Everyone would quickly agree with that, nevertheless herein lies the seed to many of the conflicts which we have seen in the past couple of years. The latest big round of discussion was the debate on trapping, particulary in the Canadian forests. I will not go into this in detail, perhaps later in the course of the day, I will simply mention that the root of the problem lies in that direction.

On the following page (page 15) it bluntly states ...«that from this angle, these two ways of addressing the issue can create problems as has been the case in Greenland and in the north of Canada and Alaska.« Right afterwards another example is mentioned, Africa. This concerns the ivory trade and the need for certain African countries to market ivory with a view to earning the economic resources to manage and protect the elephant population adequately. The problem for them is that when they are obstructed in trading ivory, they do not have enough money to protect and manage the trade properly. So poaching occurs, money is diverted and everything breaks down. There are consequently two widely diverging views and what the document stresses is that the above-mentioned conflicts uncover radically varying cultural interpretations of what ethics, which should help us to live in a sustainable relationship with our natural resources, should imply. The document does not attempt to solve the problem, but points out the problem and concludes by saying that there is a need to develop ethical principles to solve the conflict between the two schools of thought.

It is certainly a delicate situation because the conflict will not be solved by one of the parties forcing and manipulating the other through political or other channels of power to accept the other party's ethical principles. Some thought is needed to get to the bottom of this.

Page 41 deals with the responsibility to reap nature's resources. To the extent that these resources are harvested, it should be done in a sustainable fashion. This is of course quite elementary and no one will contradict this, but there are who violate this. No one can dispute the fact that you cannot allow yourself to misuse the resources, and this has been said so often, so it is a matter of harvesting the interest and allowing the capital remain intact. When we begin to trespass on the capital itself, than everything will go wrong and this everyone agrees on this point.

On page 58 the question arises, how can people be motivated to treat the natural resources in a sustainable manner and not overutilize them. There is an interesting statement...«small commmunities and individuals need secured access to their land and to the natural resources they live from. If people are deprived the political security over their own use of the natural resources, which they live among, then they will not be motivated to use them in a sustainable way.« This is significant. If local communities are not given the political authority to decide for themselves how they can best use their own resources sustainably; if one tries to obstruct them, on several grounds from using their resources, of which there is enough, or if we try to dictate their practices to them in a way that they disagree with or find unreasonable, then experience shows the difficulties presented and who pays the price: it is the animals and the resources. So it is a very important principle which has been formulated.

A couple of pages later, on page 60, as a logical conclusion of the section previously mentioned, it states that it is necessary to involve the local population on their own terms and not just try to solve the problem of the sustainability problem with a dictate from above. This year we face a complex of problems which quite clearly demonstrates what this deals with, and that is the whale hunting question.

There is a strong international movement involving national government delegations which think that the International Whaling Commission should have full authority over the entire whale population in the world, including small whales hite whales, narwhals, dolphins and so on, and authority over setting quotas on these. We wonder if, from these people's point of view, such an overall international authority, which is in a position to set quotas on small whales all over the world is created, one could hope that the hunters would comply with the rules. But this is faulty thinking, because that is not how it works. Small whale hunting is conducted in a setting which is so large, wild and so expansive from Arctic Canada, along the west coast of Greenland, it is so immense that even if they should manage to solicit the participation of the USA's Meditteranean fleet, they could not supervise it. It cannot be supervised. There is only one way to save the small whales, to the extent that the populations are threatened, and that is to motivate the hunters themselves. We have to put it into their heads, minds and hearts in the process to get them to do things right. We should offer advice and we should not try to force them with old-fashioned colonial systems, because we would get nowhere with this approach – it would hurt the animals.

This is the reason why on page 60 there is »community participation«. It is extremely important that local communities take part. It is essential to involve the local communities on their own terms and therefore it says, for example, that we should accept and respect the fact that local communities, and this also means aboriginal peoples, often have their own methods of doing things, their own democratic processes which should be respected: go in and use. We cannot just try to dictate to them because that will go wrong. The problem of sustainability cannot be solved by a dictate from above.

On the following page, page 61, we find the main texts on the whole problem, indigenous peoples, aboriginal relations. When we refer to aborigines, hunting wildlife and harvesting resources in the wild, one thinks almost automatically of some tiny minorities. This is due to the fact that the people who live in this traditional way constitute a minority in a larger society almost everywhere in the world. That is true enough, but the world is big, and when one takes all these small communities and puts them together, we really come up with a total of around 200 million people. There are 55, 000 of us in Greenland, of which 10, 000 are Danish, so that means 45, 000 Greenlanders. In Canada and Alaska there are about the same number of Inuit and so there are some small groups around, but overall the total is large. There are quite a lot who live within a subsistence economy, that is, live directly from nature's bounty. If one were to obstruct 200 million people from living directly off natural resources, it would under all circumstances have financial consequences which, seen on a global perspective, could be devastating.

We are dealing with 4% of the world's population that leads a subsistence lifestyle, that is what it is called in international jargon. It is often the case for these people that the dominant society confronts them with a choice which pressures them in various ways. You can either continue your old lifestyle or you can integrate into modern society. You can choose for yourself, but you must also suffer the consequences one way or another.

Years ago there was a requirement in the International Whaling Commission that if the Alaskan Eskimos wanted to have their quotas, they just had to use their old skin boats, they still do that for that matter, and their old harpoons and so on. The latter was disbanded some time back for animal-friendly reasons, it is obvious that modern technology has provided the opportunity for more animal-friendly techniques of hunting. But there is the tendency to say that if you absolutely must live off the natural resources, then you must live as your ancestors did. Otherwise, you must integrate: move to Anchorage or Seattle, get a job and buy your food in a burger bar.

The position in this document is that it is not fair to confront people with such a choice. There is clearly a third possibility: and this the people themselves would choose, eventually as the years pass, that is to develop a new lifestyle where they could have some of the old and some of the new. I do not know what kind of idea it is that modern society should have some sort of moral authority to take a stand and say either/or. Either you have to live like Stone Age man or become a white-collar worker on the commuter-train. What is this? People must choose for themselves. Choices, for example, to hunt whales, large or small, but from modern boats and with modern technology. These are some of the choices which should be made on their own premisses. Therefore, this document concludes by stating the three things which need to be addressed urgently:

Point 1 – The rights of indigenous people must be recognized, and this is happening little by little. This has just been the case, for example, in an ILO convention which has been negotiated in Geneva for many years. It is happening in various contexts, there have been many cases of improvement in Canada recently.

Point 2 – There should be soft development, not hard development. Dominant societies have always been tempted to impose development straight from the shoulder to its minorities. Here the message is that in certain contexts it might be necessary to address matters directly, but there is also something else called addressing matters in a direct by non-provocative manner. Therein, among other things, lies point 3, that it is necessary to involve the natives when it is them and their surroundings which are concerned. And now I have spoken for 25 minutes. ❑

New IWGIA document

OUT IN THE COLD

the Legacy of Canada's Inuit Relocation Experiment in the High Arctic

by Alan R. Marcus

US$ 10

Arctic Hearing

Statement by Helle Siegstad

Thanks to IWGIA and WAY

First of all I would like to thank IWGIA and WAY for having taken the initiative to arrange this hearing on environmental rights. It is most important that during the World Environment Conference – UNCED a reasonable balance between environmental protection and development needs is achieved – especially – that the rights of indigenous people and local inhabitants to the use and management of their own resources are recognized.

General Introduction – Primary concerns

Today there is increasing international interest in the Arctic area. This interest is based on two points: 1. There is the hope of finding mineral and oil reserves, and 2. that it is in the Arctic ecosystem that possible changes in the global climactic conditions will first be recorded. In the Arctic there has also been observed unexpected and significant amounts of pollution, originating primarily in the industrialized world. Living conditions of the Inuits are threatened not only by pollution, but also by the animal rights organizations' misguided campaigns against the hunting of animals in the wild.

The majority of indigenous people living in the Arctic have not yet achieved a level of political or economic independence to handle the threats which already exist and are emerging against the environment. This problem has been acknowledged for many years, but at the Inuit Circumpolar Conference (ICC) the potential for solution was improved.

Resource and environmental matters have always played a key role in ICC, and in 1986 the general asembly adopted a

Helle Siegstad, ICC, shows the judges and public an »ulo«, which is a Greenlandic female symbol. Photo. Jørgen Abelsen

programme for a Regional Nature Conservation Strategy. This is the first environmental strategy for sustainable development in the Arctic whose initiative comes directly from the Inuits themselves. The most important goals are, among others, to safeguard productivity and bio-diversity, to maintain sustainable environmental conditions, and to ensure that the Inuits' use of nature is conducted on a sustainable level.

General Information – Greenland

As most of you know, Greenland's existence is dependent on hunting and fishing the sea's living resources: shrimp, fish and sea mammals. Until now it has been the animal rights activists' campaigns against the hunting of sea mammals which have most affected Greenland. Hardest hit are the small hunting communities where a slump in the sale of sealskins on the world market has had severe economic, social and cultural consequences.

In Greenland our continued development will be dependent upon our ability to utilize both living and non-living resources. It is Greenlandic Home Rule Government's responsibility and stated objective to ensure appropriate and biologically justifiable utilization of the hunting and fishing resources.

I will briefly describe my work over the past couple of years – especially because, by virtue of this work, I have had the opportunity to speak with many of the people who have been affected by the various sealskin campaigns and who today still feel powerless in the face of the industrialized world's so-called »superior knowledge«.

In 1988 Greenland's Home Rule Government started – inspired by ICC's Regional Nature Conservation itself - the collection of information on the living resources and utilization thereof. My colleague, H.C. Petersen, and I have gathered information through interviews with hunters and fishermen. For example, data has been collected on the different types of species present and the biological and hunting implications on individual municipalities. Many biological conditions can more or less be limited within a specific geographical location and in the interview these were sketched in on a map. Also in the municipalities,information on the local rules and regulations and the location of hunting lodges in the municipalities was collected.

It is well known that there exists in the

Arctic ecosystem great variations within single animal populations. These drastic population swings have existed throughout history and have direct economic consequences on the groups of people living in the Arctic regions.

There is still a long way for us to go before we understand the finer nuances and mechanisms affecting the Arctic ecosystems which are naturally unstable, and which make it all the more important to implement rational usage of the living resources. The hunting of sea mammals has also been marked throughout history by large swings in animal populations. In the Arctic regions we have to live with this instability, and this applies to modern fishing as well as to the traditional hunting of sea mammals.

What is more difficult to live with is the animal rights organizations' concept of hunting animals in the wild. Their thinking has brought economic hardship on the indigenous and local people to an extent which far exceeds the natural population swings and is caused by a mechanism which is at least as difficult to tackle.

Organizations

A person's concept of culture, nature and ethics arises partly from the physical framework within which one lives and partly from the influences on his social conditioning. It is unthinkable that a city dweller and a hunter in the Arctic could have one and the same attitude towards nature.Social environment and the established norms which determine what is right and wrong are also very different. The city dweller often thinks of hunting and caring for nature as two incompatible things – and therefore wants to introduce ethical principles about hunting on the global level. One is tempted to ask «global for whom?« Ethical principles laid down by the Western world can result in the criminalization of the hunter and hunting culture.

A committee in the USA has just submitted a report to the USA's delegation to the International Whaling Commission. The committee proposed that biological and scientific data should no longer determine whether whales should be hunted. Instead a more modern approach to the protection of animals should be adopted. »A modern approach« to animal protection according to the commission is a point of view in which moral and human considerations matter most.

The World Wildlife Fund has likewise stated that they as an organization are compelled to act on ethic principles and not simply to address biological and scientific facts.

Ethical principles teach us what is good and evil – right and wrong. Ethics is determined by the culture in which one lives and is as such nothing new. The Western world now wants to dictate ethical rules to other cultures and more – ethical laws should be worth more that biological and scientific data. As far as I can see, the criminalization of hunting is the criminalization of a culture. We have also noted increased aggressiveness on the part of the animal protection organizations.

My office received a letter just before Christmas from an animal protection organization in Germany. They had noted that there were no animal protection associations in Greenland and therefore wanted to avail us of their expertise to establish associations with the aim of preventing the gruesome treatment of animals. According to the letter we would achieve the best results if we were to establish associations to deal with single animal groups, for example, a protection organization for whales, one for seals, birds, dogs and so on.

The following week the writer of the letter called us and insisted that the issue needed to be addressed immediately. I tried to explain to him that there was no gruesome treatment of animals in Greenland and we should be the ones to set up the associations we saw fit.

There are many such approaches and on the Faroe Islands it has been necessary to employ a person for the sole purpose of answering the letters from animal protection organizations. The letter from Germany reflects the lack of knowledge of the situation in Greenland and also contains, funnily enough, a reproach that Greenland should not establish a zoo. I do not want to deny people the right to address this or that subject, I only wish that they would do their research carefully beforehand.

Among the common denominators of the Arctic countries, is a small population spread over a very large land area. Greenland's coastline from north to south is over 2,000 kilometres long. That is the distance from Bergen to the southern tip of Spain. Fifty-five thousand people live along this coastline. That is the total number of spectators gathered in Copenhagen Stadium when Denmark plays a match against Sweden. Even a small animal protection organization has more members than there are inhabitants in Greenland.

The ability to organize themselves in associations and organizations is a lifestyle for a large part of the world's population. How would Greenland look if we followed the Western organization culture and established isolated associations for seals, whales, birds, codfish and other animal groups, added to these, associations on trans-border pollution, the hole in the ozone layer, Arctic Haze and a rainforest group to emphasize our interest in our planet. We could certainly soon lose sight of the total picture, and it is exactly that totality we should try to save when we talk about local, national and global environmental problems.

As a woman I must marvel when I see who is leading the major organizations. Women are extremely poorly represented – is it perhaps because so many distasteful methods are used? For example it always produces good results to appeal to maternal feelings - allow me to name the anti-skin campaigns, in which baby seals and fox cubs are used to appeal to the mothers of the world.

We have very often seen organizations which, in an attempt to survive economically, go overboard on special interests and in so doing miss the whole point. This work style is peculiar to the Western world – no hunter can afford to miss even a microscopic portion of the whole. Weather, wind, animal behaviour, ice conditions and tides constitute parts of the big picture, and determine whether or not the hunter comes home with a catch. This ability to link a series of facts together to form a whole in order to achieve a goal is crucial to people who live off and in nature.

Conservation of nature

The conservation and care of nature is not a concept which is reserved for the use of the Western organizations. In the local communities of Greenland there is much debate about nature and the conditions which daily affect the presence of species. These daily discussions result in the adoption of local regulations which both pro-

tect the animals and the traditional hunting methods. The hunting of narwhals from motorboats has thus been prohibited in the fjords of Thule – this was introduced in order to protect kayak hunting. The latest example is of a local hunting association which in 1990 prohibited the passage of motorboats in the large fjords, for no other reason than to ensure that the animals would have a calm and tranquil setting in which to live.

Pollution

As we are speaking of taking care of nature, I cannot help thinking of the hunter who recently sailed 6 hours in his 16 foot vessel – to show the authorities a seal whose fins were covered in oil.

It is this kind of care we need – not only from the users of nature, but also from the international society. It is man-made pollution which is the greatest threat to our environment.

Not all pollution is as visible as the »seal in oil« previously mentioned. Poisons in the environment, trans-border air pollution and emission of radioactive material are pollutants from the industrialized world which are not immediately seen but which for reasons not yet identified are concentrated in the Arctic regions. It is most disturbing that there is no clear picture of what this means for humans and animals.

In Arctic Canada there have been reports of high levels of organic compounds, especially PCB. PCB is an environmental poison whose production was prohibited throughout most of the world in the 70's. Measurements taken among the Inuits in Canada, as the last link in the foodchain, have shown presumably dangerous concentrations of PCB in their bloodstream and breast milk. Nursing mothers pass on PCB to their babies through breast milk and thus a relatively high level of PCB concentration can be detected in these children.

At high political and professional levels there have been discussions as to what extent people should be told of the health hazards existing in their territory. There has also been discussion on whether one should conduct these investigations at all, as there is no possibility of pointing out alternative solutions.

Quite ironically, the industrialized world can propose two reasons for not hunting sea mammals: the ethical principle - which they have introduced and for reasons of health risks - which they have caused.

Conclusion

Finally I would like to show you the Greenlandic woman's knife – the Ulo. An Ulo is a tool the Inuits have used for thousands of years along the whole Polar Sea, from Greenland to Siberia. The Ulo is used for flensing, scraping and sewing and is still found in nearly every home in Greenland. I would like to see this tool used as a symbol of the continuing process for gaining recognition for the right of indigenous and local people to use and manage their own resources. The Ulo represents more than just another tool linking people and the environment, and reminds us that we still need food and clothing.

We can let the blade symbolize the horizon for it is the horizon itself which has great significance for the people of the Arctic regions. In the darkest month of winter our ancestors looked towards the south and searched the skies for two stars - two stars called Asuutit or Sirius. When Asuutit came over the horizon they announced that the sun was on its way back and with the sun came life.

And we are moving towards brighter times. ❑

Thank you.

IWGIA

ARCTIC ENVIRONMENT
IWGIA DOCUMENT NO.69

$ 7.50

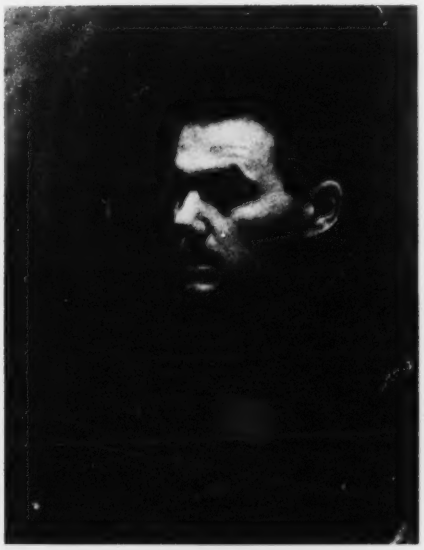
Arctic Hearing

Environmental rights as a cover for cultural encroachment?

By Georg Blichfeldt

First, thank you for the invitation and for the opportunity to present the views of the whalers of the north. The organisation I represent, Survival in the High North, has as it's objective to defend fishermen and hunters' right to exploit the renewable resources of the sea. A right which is obviously limited by the duty not to damage the possibility of the future exploitation of resources. The organisation has as it's members all the larger organisations for fishermen and hunters' interests in Greenland, the Faroes and Northern Norway.

The theme is environmental and human rights. In the last few years the northern hunting peoples have experienced that the campaigns to stop the hunting has taken their livlihood, and work - the whole basis for their culture, habitation and identity. They have had rights taken from them which we find clearly defined in the UN's Declaration of Human Rights. Many of those responsible for these campaigns call themselves environmental activists. Does this mean that there is a conflict between human rights and environmental rights where a decision between the two will be in favour of environmental rights? Many examples can be found where jobs have been sacrificed in environmentally damaging industries when they have been forced to close, and quite rightly so. Or is this a conflict between cultures where one party, under false pretences, hides behind a set of universal rights and uses force to spread it's values and beliefs? What does it actually mean to infringe environmental rights? What does this new expression actually contain?



Georg Blichfeldt.
Survival in the High North
Photo: Jørgen Abelsen

I will use the story of the hunting of Minke whales (Balaenoptera actorostrata) in Norway to shine some light on these questions. I could just as easily have chosen any of the other hunting cultures in West Norway. They have all been involved in the same conflict. But I am well acquainted with the hunting of the Minke whale. In the village in which I live, Reine in Lofoten, six of the larger fishing boats had permits to catch Minke until there was a provisional stop in 1987.

Let us begin at the beginning. The hunting of Minke, with the hunting methods used up to 1987, started in 1930. The name of the Minke whale in Norwegian is Våghval, and this was because these whales were caught by being driven into a våg or vik, (a fjord) where they would be shot with poisoned arrows and held there untill they died of the poison. This form of hunting became less widespread later in the century, but in the area around Bergen the tradition was preserved right up to the turn of the century.

Whaling and sealing has been a part of peoples basic sustenance as far back as traces of people can be found on the coast of Norway. Whaling is described in thousand year old written sources. The great blubber rich, slow moving, Greenland whale and Right whale, were caught from open boats on the open sea. Pilot whale was caught in the same way as the Minke. Blue, Humpback and Fin whales, which were also found in large numbers, could not be caught with the technology of the time. Norwegians took their hunting traditions with them to Iceland and the Faroes where they were adapted to the local conditions. The Pilot whale hunt, in the Faroes, is a widespread tradition carried on for centuries.

The hunting of Minke whale has never been considered a profitable occupation by the interests behind the large scale whaling industry. The Minke whale was too small and gave a smaller amount of oil than other species. The Minke whale in the North Atlantic spends the Summer in the Barents Sea and the Arctic Ocean, and in the Spring and Autumn migrates along

the coast of Norway.

When fishermen began to put engines in their boats, from about 1920, they realised that they could try some whaling. The Minke whale was a feasible quarry. Boats as small as 30 foot were used. Minke whaling was a seasonal activity for the fishing boats. The inshore fishermen have always had to exploit various fishing resources depending on the season, sometimes sharks and now also Minke whales. The whaling season, to start with, was from March to September. Later the authorities, in an attempt to regulate the whaling, shortened the season. To begin with the whale was dragged up on land and then cut up. Later a simple tecnique was found to heave the whale up on deck, across the boat, and then to skin and cut the meat up into large blocks which were frozen on board.

It was first and foremost the meat which was of value. To start with as animal feed but in the depression of the thirties and especially during the food shortages of the war, people learned to appreciate a whale steak. Today Minke whale meat is reckoned a delicacy by people on the coast, and this I can guarantee is the case. Before the reduction in whaling at the beginning of the 80s most of the meat ended on Norwegian dinner tables, though quite a bit was exported to Japan along with the blubber, which was also highly prized.

When whaling was stopped in 1987, 53 fishing boats in all had permits from the authorities to hunt Minke whales. The boats were on average about 65 foot in length, with a couple of exceptions they were part of the Norwegian inshore fleet. The majority combined Minke whaling with net or line fishing in the Winter season and with varying adaptations in the Spring and Summer. Icelandic fishermen have carried on the same combination of whaling and fishing but also there it has been stopped.

The boats are a family business. Normally owned by a family but often by two brothers or a father and son together. Many of the families have been whalers during three generations. The boats normally go from father to son. No one owns more than one boat and the owner always works on board. The crew usually does not receive a wage as such but a share in the catch, in Norway called a »lott«. The catch is normally divided up with a share to the boat and equal shares to each of the crew, the youngest who is on his first trip gets the same as the skipper.

The great majority of these boats belong to small coastal communities where freezing and packaging of the meat is also carried out. The greatest concentration of these whaling concessions is found in the Lofoten Islands, though there are also whaling communities on Helgeland, in Trøndelag and Vestland.

In the context of the national economy, Minke whaling is not of great importance. Prior to the reduction of the whaling it was worth about 75 million kroner, which was doubled after freezing, packaging and selling to dealers. But for the individual boats it represented 60% of their income and it was of great importance to the coastal communities. To use my own village as an example: The six boats with permits to carry out Minke whaling were very attractive work places for young people. Most of the boats in the village are one man boats and to be able to afford to buy a boat the young people usually must work as crew on one of the larger boats for some years. The Minke whaling boats were amongst the few which gave secure work all year round. There was never the insecurity attached to Minke whaling as to other forms of fishing. These six boats therefore, until 1987, formed the backbone of the recruiting of young people to the fishing industry in Moskenes. Today they give no more than 4 or 5 months work per year and in having lost the most important link in their economic chain it is doubtful whether they will survive to be handed on to the next generation. Reine is a coastal community which has experienced immigration in recent years and it is in no way certain that it has a future.

In the economic assessment of Minke whaling it is also relevant to take into account the role of the Minke as a fish eater. It eats, amongst others, krill, herring, capelin and large cod. To illustrate it's effect on fish stocks I will show some figures. If the Minke whale in the North-east Atlantic decided to eat only herring, in one month it would consume the equivalent of what a Norwegian fisherman catches in a whole year. As the Minke whale's choice of food is not well enough known that we can understand it's interaction with the fish stocks. A research program involving the catching of 382 Minke whales is due to start this year. This is part of the attempt to take into account the interaction of different species and levels in the ecosystem.

It was USA which brought in an import ban on Norwegian Minke whalers, in 1986. The threat of sanctions against Norwegian fish products on the American market forced the Norwegian Government to capitulate. Just two weeks after the threats were anounced the Norwegian government voted, in the middle of the Summer holidays, in June 1986, to stop the whaling after the 1987 season. The stop was described as provisional and that it would be re-examined in 1990.

The paradox in USAs self-declared role as international whaling sheriff is that American fishermen, with the blessing of the American authorities, in the course of fishing for tuna kill up to 20,000 dolphins every year, which they take in the form of a b-catch and subsequently throw back into the sea again.

The Norwegian authorities had allready been softened up by the many large demonstrations which had taken place abroad against the Norwegian Minke whaling. Greenpeace held actions against the whalers in the whaling areas.

In the 80s Greenpeace organised a consumer boycott against Norwegian products. In an internal letter marked »strictly confidential« from the leader of Greenpeace in Denmark, Mikael Gylling Nielsen, to the leader of Greenpeace International he wrote: »We have now come to a point where we should begin to consider to start up the next part of our plans of action to force Norway to withdraw her objection by economical pressure. I'll suggest that we make a mail out to all the tourist agencies in the USA.... This should be easy to do and we could let them know that we have many ways and methods to work with. .... The oil industry may be a little more difficult but not impossible.... Just one contract stopped should make a hell of a problem for the Norwegian oil industry.«

On what basis can an organisation which has as it's aim the protection of the environment, pick out a couple of victims amongst the nations of the world and declare economic war on them. Is it Norway and Iceland who are the greatest threat to the environment? Greenpeace claims that it is based on the danger of the Minke whale becoming extinct.

Whaling ship. Photo: Claus Oreskov.

It is true that at the beginning of the 80s there was doubt about the size of the Minke whale population and that the scientific basis for whaling management was not sufficient. To solve this problem the Norwegian authorities started a large counting program. On the basis of the results the research committee of the International Whaling Commission have agreed that there are about 68,000 animals in the North-east Atlantic.

This, together with analysis of catch data shows that there is a continued basis on which to support a harvest of the population and that the average catch per year over the past 50 years was 2,000 animals and that the populations reproductive abilities could support this level. The latest research results, recognised by the IWCs research committee, show that there is also a basis for a harvest of the Minke whale population in the southern Pacific and in the central Atlantic. The first has been exploited by the Japanese and the latter by Icelandic fishermen.

This raises some questions. Why is the history of Minke whaling so different and

happier than that of the hunting of the large whales?

For the first, the economic driving force behind the two whaling cultures is of a completely different character. In the hunting of large whales the factory ships and their whaling boats were owned by limited companies. The owner sat at home behind his office desk and demanded the largest profit possible for his investment in the shortest possible time. It was ok if the catch dwindled as long as the ship was paid off and the capital invested came back with a large profit on top. The capital could then be placed elsewhere in other profitable projects. Many of the large shipping companies in Norway were built up on the profits of the hunting of the great whales.

For the owner of a fishing boat with a permit to catch Minke whales the boat is not just an investment. It is also his workplace. The result of a project which the family has worked for during, perhaps 50 years. It is also a part of his identity. Owning a boat gives status. To be known as a good Minke whaler also gives status and to be a good shot is also greatly respected in the local community.

The Minke whaler's greatest capital is his training as a fisherman and whaler. It is useless in other sitations. As a rule he has no formal education and has left school at the age of sixteen. The boat, fishing and whaling, have to support him and his family during his lifetime and hopefully the next generation as well. All this shows that the owner of a fishing boat/whaler thinks more long term economically than the share holder in a large whaler.

The coastal fisherman and Minke whaler is a product of his close ties to place and culture. It is a two sided dependence. Without the coastal fishermen there wouldn't be any habitation in that part of Lofoten where I live, for example. This is also the case for all the other fishing villages spread along the Norwegian coast. The coastal fisherman is part of the future of the community and the culture in which he lives.

The regulatory mechanisms brought in by the Norwegian authorities were first the shortening of the whaling season, then the reduction in the numbers of those taking part and later the introduction of quotas. Up to 1987 all of these mechanisms were in force and the total quota was divided with a certain number of whales per boat.

The time is ripe to deal with those questions raised in the introduction. Did the Norwegian Minke whaling violate in any way environmental rights? Was it therefore that it was stopped and is it therefore that countries such as USA still use the threat of sanctions and Greenpeace warns of actions, all to prevent the start of whaling again.

A group of experts attached to the Brundtland Commission, at a meeting in Oslo in October 1990, agreed on a rough draft to a declaration on environmental rights and duties. This is a follow up to and a development of, the UN's Declaration on Human Rights. The declaration on environmental rights starts with three fundimental principals: The first makes clear every individuals right to an environment which satisfies his or her health and well-being. The similarity to article 25 in the Declaration of Human Rights is very clear: Here it is stated that the indivdual has the right to a standard of living which satisfies his needs for health and well-being. As in the Declaration of Human Rights the declaration of environmental rights is based on the individual human being. It is not based on nature as such or on other living beings than humans. Plainly speaking: There is no mention of animal rights.

The new with the environmental declaration is that it also admits the rights of coming generations. It places on all the Earth's citizens a duty to protect and preserve the environment for present and future generations. This is the second basic principal.

Here the declaration of environmental rights is linked to the central concept of the report of the Brundtland Commission; that is, sustainable development. Sustainable development is defined as a development which meets the needs of the day without destroying the possibility for future generations to satisfy their needs. An important part of this strategy to set up a sustainable growth was to change from the use of finite resources to renewable biological resources. With this sustainable harvesting or sustainable exploitation, is a new key expression. It is defined as harvesting within the resource's ability to reproduce.

None of the recognised environmental-political documents contains principle restrictions on which biological resources or species humans can exploit. In fact the new environmental-political flagship, the document »Caring for the earth«, which IUCN, UNEP and WWF are responsible for; states that mankind is completely dependent on the exploitation of other species but that this shouldn't involve unneccessary suffering or maltreatment of the resources.

The most important and only question on whether Minke whaling infringes on environmental rights is the question of whether the catch exceeds the abilities of the stock to replenish itself through reproduction. To ensure this one must: 1. Know the whales yearly reproduction numbers. 2. Have a government which can set catch limits and enforce them. These conditions are fulfilled in the Norwegian Minke whaling.

During last year it has become clear that the motives of those who had Minke whaling stopped are have nothing to do with consideration for the environment or a sustainable development. The are trying all the same to maintain the stop through the renewed threats of damaging the Norwegian economy if the whaling starts again. The majority of them admit that it has been scientifically documented that certain species of whales could give a sustainable harvest. But they still maintain that there should be a total ban on commercial whaling. This applies to the British Minister for Agriculture and Fisheries, John Gummer, and for USA's commissioner in the IWC, John Knauss. He recently told the press that he would continue to defend USA's position which was in favour of a total ban, but on ethical grounds as it was no longer possible to defend on scientific, biological arguments. This applies to the American »Marine Mammal Commission« which advises the American government on whaling. It recommends that the American government take the initiative to convert the IWC to a body for the permanent preservation of the whale, and that the IWC statutes should no longer rest on scientific research but on ethical criteria. The leader of the whale protection organisation, Cetacean Society International, Robins Barstow writes; »as it is acceptable to harvest whale resources there is no doubt that, at least some whale species can sustain a strictly controlled, regular harvesting without be-

ing threatened with extinction. Therefore arguments against whaling can no longer be based on the threat of extinction. A new rational is needed«.

Greenpeace has declared that number of whales has nothing to do with their point of view. WWF has declared that not killing whales is becoming the norm amongst the nations of the world and that WWF agrees with that norm, on an ethical basis.

But why? Why is it the more than 70 species of whales amongst the world's animals, that should be removed from the principle of sustainable use? New Zealand gives us an explanation in the reasons it gave for it's proposal to the UNCED conference in Brazil. The proposal is the preservation of all whale species for all time. New Zealand points out that it gives it's full support to the principle of sustainable exploitation of renewable resources; **but**... whales can not be treated as an exploitable resource because they are (quote) »unique intelligent beings .... mankind's equal in the sea .... our neighbours on the planet who have much to teach us«.

Here we have the heart of the matter: Specific cultural myths, especially widespread in the Anglo-Saxon world and strongest amongst the urban population, forms the basis for the campaigns against whaling, the Norwegian Minke whalers and other whaling communities in the North-west Atlantic have had their livlihoods taken from them. And these are myths. Their is not a single scientific fact, none which even hint that, whales in general or even particular species are more intelligent than other animals. The same applies to the myth that they are more sociable than other animals or that their communication is more advanced etc. etc..

The myths have managed a breakthrough by being associated with green values and because it has been possible to exploit them commercially. Their strenght also lies in the emotional and social needs of urban environments. In the lack of nature and longing after nature, city dwellers start to worship nature symbols. The largest and the strongest of them is the whale.

The Declaration of Human Rights states that everyone has the right to work and to free choice of occupation and protection against unemployment, and that everyone has the right to express themselves culturally. The attack on the right to catch whales is the first on our right exploit the renewable resources of the sea. Therefore we can't surrender.

This is a conflict between cultures. There is no doubt of which of the two parties has the most effective weapons at their disposal. There is no doubt about which of the cultures is the most widespread. We are witness to a growing global cultural conformity.

In the world of the whale lovers cultural conflicts don't exist. There is basically only more or less enlightened cultures and those which are still on a lower step of the ladder leading to civilisation. The most important sign of a cultures level of development is it's attitude to whales. »It was ok to catch whales when we came to this country 20,000 years ago .... but today we must, in the name of our developed culture, be able to afford to let the whales live«; says the leader of Greenpeace in Norway, Bjørn Økern.

As New Zealand's proposal to the UN's Environmental Congress in Brazil to save the whales on ethical grounds was voted through, this will also effect indigenous peoples hunting rights. Their adaptation to nature will be declared to be primitive.

Sustaining biological diversity is at the centre of todays struggle for our common future. But environmental problems can also be seen as having their source in cultural problems. The Western urban culture, is built on a set of values which must lead to an individual development, an organising of society, a use of nature which can not be sustained and which denies future generations the right to an environment and a standard of living which can satisfy their needs for well-being and health.

Within other cultures can be found alternative sets of values, ways of organising society and ways of living in harmony with nature, all of which are closer to the principle of sustainable development. Here are the, let us call them cultural genes, and vital knowledge in the work of adapting to sustainable development.

The most important discussion in regards to environmental rights is how to make a drastic change in western culture. Claims that the northern whaling communities are the great environmental sinners is a smart diversionary manouevre and a complete derailing of the environmental struggle. ❑

Book Received

George Wenzel
Animal Rights, Human Rights: Ecology, Economy and Ideology in the Canadian Arctic.
University of Toronto Press, 1991. 206 pp.

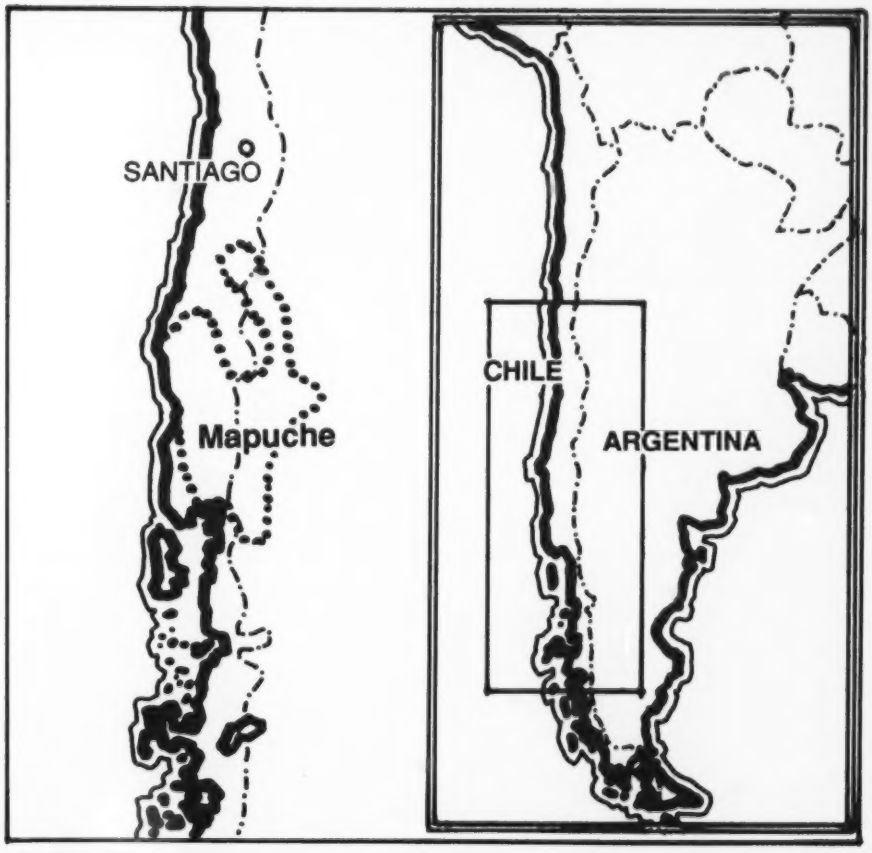
For years the sealing campaign initiated by animal protection movements has had a devastating effect on the economy of indigenous people of the Arctic region. This is a book about the seal controversy. Animal Rights, Human Rights is a detailed ethnographic analysis of the Canadian Inuit settlement, Clyde River. Wenzel calls it a 'traditional Inuit culture in the modern world'. It is through the ecology of the Clyde River community and sealing practice that we meet the animal rights movement and their advocates. Although sealing has its commercial aspects, Wenzel's analysis takes its point of departure in a strong critique of the usual western view of the concepts of tradition and subsistence.

This book is both a careful academic study and a disturbing comment on how environmental activity may oppress a whole society, which raises serious questions about the motives and methods of the animal rights' movement in a much wider context than the case here studies.

Chile:

The Threatened Expulsion of the Mapuches

By Reynaldo Mariqueo



The conflict created by the Chilean State and white corporations has dramatically heightened the tension and uncertainty prevailing in the entire Araucanian region (ancestral territory of the Mapuche nation)in the last few days.

The re-enactment of a juridical order passed by the Supreme Court of Justice in July 1990 calling for the eviction of the Mapuches-Pehuenches from their ancestral lands is about to be carried out. The injustice of this sentence and the aggressive methods of the police has internationalized a problem which, with goodwill, fairness, and common sense could have been relegated to being a mere regional problem.

The disproportionate and unjustified police plan now in progress to forceably expel the Pehuenches from their lands, has not managed to intimidate the Mapuches and far from calming spirits, has incensed them like a powder keg about to explode.

The mobilization of a strong police contingent of around 400 uniformed men from three provinces, with military vehicles, buses, trucks, horses, dogs and helicopters, to eject 150 Pehuenches, which include elderly people, women and children, constitutes an unprecedented act in these times of democracy and a domineering and arrogant provocation against the defenceless but proud Mapuche people. In addition to the transfer of the policemen to the area a careful »preventative« plan has been implemented in the entire Araucanian area to crush any expression of support, protests by Mapuche organizations and acts of solidarity opposing the eviction. All the Mapuche organizations have declared themselves on a »state of permanent alert« and the Pehuenches have stated that they are »ready to give their lives if necessary«. The police action and the preventitive measures have in practice the characteristics of the implementation of a »state of siege« in the entire area, such as the kidnapping of minors for interrogation as a means of intimidation; surveillance and tracking of all persons going and coming in the region in conflict. To this can be added the unrestricted and unpunished activities of extreme rightist elements who threaten and pursue the leaders of the Mapuche organizations, destroy artistic works such as paintings which are exhibited in galleries and deface them with racist and neo-Nazi slogans. In the meantime, the Mapuches-Pehuenches suffer physically, economically and psychologically by the drawn out legal process which has prevented them from cultivating their lands, harvesting the nutpine and the prolonged and severe psychological tension to which they have been exposed. Winter is fast approaching in the lower ranges of the Andes where the snow can reach two metres deep, and with temperatures falling to

Mapuche demonstration in Chile. Photo: IWGIA

25 degrees below zero. Isolated and without provisions, the Pehuenches will be exposed to hunger and misery.

The Mapuches-Pehuenches

The word Pehuenche means »people of the pines« (pehuen=araucarian, che=people). Their name points out their close relationship to nature, on which they depend so much culturally, economically and spiritually. The community is located in the Qinquen area, in the midst of the Andean cordillera in Cautin province, southern Chile. The Mapuches- Pehuenches discovered that the Chilean state had unilaterally declared their territory the property of the national treasury and without their knowledge or consent proceeded to sell it. The buyers, in spite of being informed that Pehuenches were living within the territory, motivated by greed, the low selling price and encouraged by judicial endorsement by the Chilean courts, did not hesitate in »acquiring it.« We should point out that the Mapuche people were the owners of the territories in the Quinquen area from before the formation of the State of Chile (1810), continued to exercise jurisdiction over and living on the lands during the military invasion known as the »Pacification of Araucania« which ended in Chile in 1833. They are still the proprietors and inhabitants of said territories today. However, the highest court in Chile, the Supreme Court of Justice has passed sentence in favour of the corporations and has ordered the eviction of the Mapuches-Pehuenches from their ancestral lands. The conflict received legal sanction when in 1987 General Pinochet approved Decree Number 141 permitting the exploitation of the Araucaria tree or nut pine which was previously protected by the law of the nation. The »proprietors« who had never exercised control over the Quinqen valley then moved to the region to begin felling the trees. Protest from the Pehuenches was immediate and soon the indigenous and social organizations regrouped to prevent the exploitation of the nut pine.

The verdict of the Chilean tribunal has been refuted in national public opinion as unfair and its rejection has been expressed through widespread expressions of solidarity with the Mapuche-Pehuenches. The current government has taken numerous measures to prevent the expulsion of the Pehuenches, such as declaring the National Nut Pine (Araucaria) Monument (to prevent its exploitation) then declaring the

territory a National Reserve (to prevent the expulsion of the Pehuenches) while at the same time negotiating with the companies the sale of the disputed region. Upon the collapse of negotiations, because of the high price being asked by the companies (10 million dollars), the government sent a draft law to Parliament for the expropriation of the territory, even though the question of tenancy and control of the lands was not clarified. Thus there remains much uncertainty on the part of the Pehuenches on whether their ancestral right had been considered. One problem created by the State and the companies which is up to them to solve, introduced to the Mapuche who in their turn has lost his judgement....and the solution of which depends on the buyer and seller of a third person's goods. The action of the High Court of Chile shows us once again their total complacency towards indigenous rights.

While the case is being aired in Parliament, prominent Chilean parliamentarians from the right, centre and some from the left, elected (in the Mapuche region) by and in service of the Chileans – not Mapuches – at the same time are assuring the Mapuches that they will represent them before Congress. Rising in defence of the big companies, they argue that the project for the state to expropriate the territory in Quinqen (currently being discussed in the Chamber of Deputies) «contravenes the right to property established under the Chilean Constitution.« Supposedly they are referring to the rights of the Chileans and not of the Mapuches, because in fact, if the law were equally applicable to all the inhabitants in the Republic, the Pehuenches would have won justice and would have been compensated for the inconveniences suffered. The Supreme Court verdict would seem to indicate that the law and the constitutional rights are applied according to the racial origin of the persons in question. The application of the double standard of Chilean laws throughout the life of the Republic has somehow or other been demonstrated and the Quinqen verdict proves the discrimination and conflict of interests between Chilean citizens and Mapuches. The cases of illegal seizure of Mapuche lands have been prolonged for years without solution, on the other hand, when the Mapuches protest and take practical measures to recuperate their lands, action and the weight of the Chilean »Law« are immediate, the order for expulsion is enacted in a instant, thus confirming the racial role of justice, guarantor and guardian of the whims of the usurper. This clearly illustrates to the Mapuche the lack of justice in the Chilean court system. The norm of the High Courts, in which Mapuches are not represented, is the best guarantee that they have the power to »legally« deprive the Mapuches of their lands. The Chilean courts should explain why there have been innumerable cases of adverse justice to the Mapuches: the drawn-out cases still pending and the systematic reduction of the Mapuche nation. The frustration the Mapuches face in finding justice within the channels of justice in order to recuperate their lands, shows us the ineffectiveness of the Chilean courts, forcing the Mapuches to resort to their own initiatives and means of recuperation. As a result, the Chilean courts are irreparably depreciated in the eyes of the Mapuche people and are seen as a waste of time as a means of seeking redress. The state apparatus, by not considering special measures, prove to be inoperable and its applicability to the Mapuche people is systematically questioned. The Mapuche people need a fair and independent legal system to which they can present their cases because the essence and representation of them, as has been demonstrated in the »case« of the Pehuenches has proven to be morally unacceptable to the Mapuche people.

When Spain and the Governments of Latin America meet to commemorate the Fifth Centenary of the arrival of the Europeans to the American continent, many creole intellectuals are conducting retrospective analyses of the black past in history as a result of the actions of their predecessors: the genocide, slavery, destruction of flourishing civilizations give the impression of a period surpassed by the advances of contemporary civilization. In practice the damage and destruction of cultures and the environment of the indigenous people continue as it did yesterday: the case of the Mapuches-Pehuenches is just one example of the reality of a country in the Americas which calls itself democratic, modern, respectful of human rights and civilized. ❑

New IWGIA Document

ROADS, INDIANS AND THE ENVIRONMENT IN THE AMAZON
FROM CENTRAL BRASIL
TO THE PACIFIC

by Mauro Leonel $ 12

The Struggle of the Yanomami for their Territory

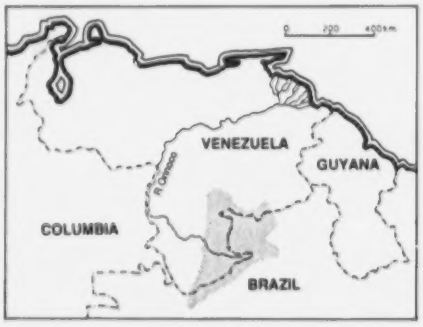
Interview with Claudia Andujar. Coordinator of the CCPY (Commission for the Creation of the Yanomami Park)

By: Teresa Aparicio

Claudia, you have been fighting for the land rights of the Yanomami people for nearly 20 years. Now the Brazilian Government has granted the Yanomami their land rights. How do you feel about it?
Well of course it is an important political achievement. However, what happened in November was not the demarcation itself but an acceptance by the Brazilian Government to proceed with the demarcation and this should start in the beginning of this year, probably around February.

The Minister of Justice announced the intention to demarcate the Yanomami area, through a public pronouncement made by President Collor; he stated that the Yanomami area should be a continuous land area and it took into account all the known Yanomami villages, which means that it covers an area of about 94,000 square kilometres, the land that CCPY and other organisations have been fighting for for two decades.

How did your engagement with the Yanomami cause start?
I have been interested in working with indigenous groups for a long time; my first



contact took place among the Karaja Indians in the late 1950's and on and off through my work as a photo-journalist, but even more so as a human being, I came to know what their needs were and how the world was treating them. I became involved with their cause, first by visiting indigenous populations in the 1970's. I visited and stayed with the Karaja, the Bororó, the Xicrin, the Kaiapó. In 1971 I took my first trip to the Yanomami Indians. Actually, I was sent by a Brazilian magazine called *Realidade* to do an extensive work as a photo-journalist in the Amazon and I suggested that they should also include an in-depth feature story on the Indian population in the Amazon. It was at that time that I had my first encounter with the Yanomami. It was at the time of construction the Trans-Amazon Highway that I became interested in the Amazon area. After I finished this assignment I decided to discontinue my commercial work as a photojournalist and applied to the John Simon Guggenheim Foundation from New York for a scholarship. I was able at that time to work for two years, with the help of two scholarships, going back and forth to the Yanomami; this was before the construction of the Northern Perimeter Highway. However, since then I have never stopped going to or working with the Yanomami.

What is it in the Yanomami that took you so deep into their lives?
I was interested in the very beginning in working with a population that had experienced little contact, and the Yanomami were therefore a people that interested me. They are one of the largest populations in the Americas who are still in the early stages of contact. I ended up understanding myself better through them as well.

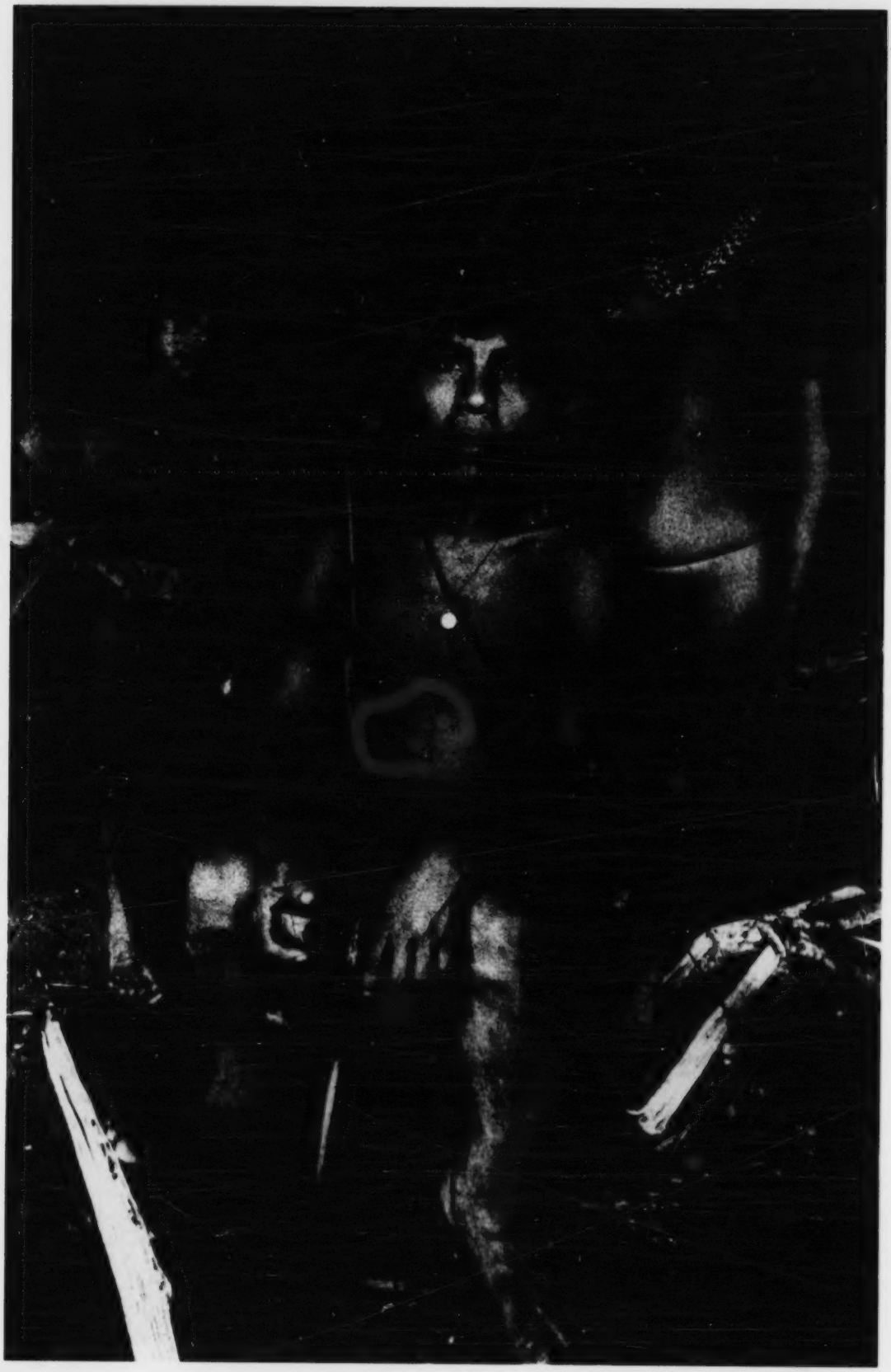
Your photographic work on the Yanomami has won several international awards. What impresses me most of your pictures is that you are able to capture both the intimacy of a Yanomami person and the nearness and closeness of the Yanomami as a group. How do you do it?
Well, you have to work on various levels, there is a technical level which you have to resolve and turn into an automatic process to free yourself from worrying about technical details. Only after that can you start to concentrate on what you want to say. With the Yanomami there existed a continuous demand to resolve new technical problems. It was a real challenge. In the area where I started working the Yanomami live in a large communal house that is very dark inside, and a good part of their activities takes place in this house. I tried resolving technical problems by using natural light. In the first year of my photographic life among the Yanomami I was going back and forth between Sao Paolo and the Yanomami area because of technical problems. After various experiments I think I solved them. Obviously I wanted to solve this problem because the more I came to know the Yanomami the more I wanted to penetrate their inner life as a people. It's an inside view of a people and the way they live that I am looking for and this is what I was trying to achieve. I was trying to show through the photographs how I saw and felt about them as a people and as a society. Undoubtly my photographic work is personal. There are many interpretations one can have of the Yanomami. All the people who studied the Yanomami and know them have different visions of the Yanomami. I see them as intellectuals.

Could you explain the history of the land rights of the Yanomami, those rights which finally have been recognized?
As I was getting to know the Yanomami as a people, as a society, my work with them expanded. I became interested in their mythology and their religious beliefs, how shamanism relates to the structure of their culture; I felt I needed to understand to be able to to photograph. I started to photograph them in 71 and in 74 the government decided to build the Northern Perimeter Highway which penetrated their lands. I was there and I saw what happened during the construction of the highway, and it made a powerful impression on me. It was the first major intrusion into their lands; they were totally unprepared for this. As a result many Yanomami died in the region of the Northern Perimeter Highway. At that time I stopped photographing because they were dying and there were too few people to help out in this dramatic situation. My involvement with them had reached a turning point; much of my time was spent trying to help with the health problems at a small mission station, the Catrimani missionaries. The Yanomami suffered the results of the invasion of their lands, I felt I had to do something more. Photography was not sufficient to provide for their immediate needs. It was at this time that I became »globally« engaged.

You have just described the first assault on the Yanomami territory. What happens later on?
At then time of the first assault the road penetrated more than 200 kilometres into their territory. It was a major tragedy and it became clear how vulnerable the Yanomami are. Soon after the building of the road in 1977 and 78, the Brazilian Government decided to create 21 small »islands« as a response to their need for territory. These small islands were obviously not what the Yanomami needed. We understood that the consequences of separating them into »islands« and allowing settlements in the corridors would mean the end of the Yanomami as a people. So in 78, three of us got together: a student of anthropology at the time, Bruce Albert, who came to Sao Paolo, myself (I was in Sao Paolo because in 76 I had been expelled from the area by the Brazilian Government and forbidden to return) and the missionary Carlo Zacquini. The three of us in Sao Paolo decided to work on a project that would justify a continuous land for the Yanomami. When we finished this project we handed it to the Brazilian Government, but obviously we knew that this was not enough and that a big campaign had to be started because politically it was almost impossible to secure a continuous land area for the Yanomami. We must remember that it was at the time of the military dictatorship in Brazil. It was at the very start of the land rights movement on a popular level and it was also at the start of the organized Indian movement, as such. We formed a commission, a group of people who would go on lobbying and informing the Brazilian population and the international community about the need for a continuous land area for the Yanomami. We called ourselves the Commission for the Creation of a Yanomami Park.

How well do you know the Yanomami land?
I must point out that in 1978 when we worked on this proposal for a continuous land area, none of us knew the Yanomami territory in its entirety. So this explains why the area we asked the Government to recognize at the time was a smaller area. It represented 70,000 sq kms. There was also a political reason; as I said there was still a military dictatorship in Brazil and it would be impossible to go for more than this. So because of these two reasons, the first proposal, even though it was a very courageous proposal, was not an ideal one, and it was only in 1981, after I had travelled extensively in the Yanomami areas, trying to set up some health work, that I got to know the extent of the Yanomami area. I got to know the major regions and villages along the periphery of the Yanomami area and the heartland where practically half of the population lives. In 81 and 84, when FUNAI invited CCPY to participate in drawing up a new area for a Park, I was able to contribute with an in depth job because of my greater understanding of the region.

In 1984, your organization presented to FUNAI a proposal for the creation of the Yanomami Park. What is the difference between that proposal and the delimitation which the Brazilian government accepted last November?
The delimitation of 1984 is the one to which I was referring earlier. It was a moment in FUNAI's history when there was an opening and it looked as if we would be able to push through, not only the Yanomami area but also other indigenous areas in Brazil. A small group of people – Alcida Ramos, the anthropologist, Carlo Zacquini and myself, got together to work on this new proposal, at the invitation of FUNAI. It is important to understand this. The Brazilian Government would only accept a governmental proposal. It would have been an illusion to believe that a proposal made by a non-



◀ *Yanomami people.* ▶
Photo: Claudia Andujar

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Book received

Aconteceu Especial: Povos Indígenas no Brasil

1987/88/19/90 CEDI (Ecumenical Centre for Documentation and Information) US$50

In the 592 pages of this volume, the reader will find 1142 news items based on 94 press reports and direct sources; 275 photographs, 25 maps and diagrams. All of this material has been arranged according to ethnic/or indigenous area and grouped in 20 geographical regions.

The facts and analyses collected in this Aconteceu forcefully demonstrate that the indigenous demands on different levels of politics in the country – locally, regionally and nationally – have met with favourable responses to the extent that they are removed from the local level of the indigenous areas.

The representatives of many of the indigenous peoples in Brazil, with the support of civil and ecclesiastical organizations and with the backing of national and international public opinion managed to guarantee, for the first time in history, a special chapter which studies their formal basic rights under the Federal Constitution of 1988. However, the real rights of the majority of the indigenous people were severely hit by regional economic interests and by an increasingly militarized policy on indigenous people. It is sufficient to recall the massacre of Ticuna Indians or the invasion of the Yanomaní region by thousands of gold prospectors.

With reference to the demarcation of lands, the tone of the period was the same. Under the Sarney regime, the administrative process of official recognition of the indigenous areas swung between paralysis and strict demarcation. Up to the end of this special edition of Aconteceu, during its first year in power the Collor government had done almost nothing in developing a policy on the situation of indigenous peoples.

The immediate future holds a national and international agenda filled with challenges, threats and opportunities for the indigenous peoples of Brazil, their organizations and struggles for their rights.

During the past 15 years, CEDI has produced, organized and published an extensive collection of information and analyses which will become essential reference works for all those who are directly or indirectly interested in the indigenous affairs.

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governmental organisation would have been accepted by the government although we knew the Yanomami area better than the FUNAI technicians. The 1984 proposal became the official area accepted by the Brazilian Government, the proposal of 1991. So we are really talking about the same limits, of the same area; it was really accepted the way it had been worked out in 84.

One of the most serious threats to the survival of the Yanomami in the last years has been the invasion of their lands by the garimpeiros, the gold seekers. How did it start?

It was in 1975 that the Yanomami area's mineral wealth was detected. The first invasion of the Yanomami lands was shortly after it was discovered that the area was rich in tin ore (cassiterite). At the time small local companies got together, mostly people from Roraima, they started to extract tin ore from the area of Surucucus. However, the consequences of this first invasion on Yanomami lands resulted in aggressions between the miners and the Yanomami and were called to the attention of the government. The Minister of the Interior decided to close down the mining sites. This was in 1976 and the Yanomami area became known as an area rich in minerals. It was just a matter of time before the garimpeiros would return. Ever since interest in invading the Yanomami area has never stopped. The history of small scale mining is different in the various regions of the Yanomami area, like there is Erico, in the northeast of the Yanomami area, where small scale mining, by garimpeiros, has been taking place for more than 30 years. In those areas the Indians have learned to manually extract gold together with the garimpeiros and a very interesting process was set up in which the Indians themselves incorporated the small scale mining into their own culture, and they have been mining ever since whenever they felt the need of getting manufactured goods. In the mid 80's, when the COPY was working in the Yanomami area with health projects, we encouraged the Indians not to allow miners into their territory. We worked with the Yanomami from that region and had an anthropologist study their mining system to see if the system used at Enrico could be adapted to other problem areas. Unfortunately, history proved that this was not possible. The Yanomami territory was overrun by thousands of miners. Suddenly the interest in gold prospecting grew massively and miners began to come from all over the Amazon region where they had been prospecting, to Roraima and the Yanomami area. An armed invasion of the Yanomami area was planned by a garimpeiro leader called Jose Altino Machado. He got into the area of Surucucus using paramilitary forces. The invasion was fortunately stopped by the Governor of Roraima, with the help of the federal police and FUNAI. However, this was just one episode in the invasion because immediately afterwards it started in an entirely different way, by foot and down the rivers with the agreement of local politicians. It was like an army of ants which in a couple of months had invaded a large part of the Yanomami area; in 1987, it became totally uncontrollable and the local government of Roraima tolerated it and no real measures had been taken to stop it. This continued from 87 to the beginning of 91, although there have been many protests and a lot of lobbying, both inside Brazil and internationally to stop the invasion and to remove the garimpeiros, who by now numbered 30,000 to 40,000 people. However, , nothing consequential happened up to the beginning of 91 as there was no political will on the part of the Brazilian Government to remove the miners. Though they sent in the federal police on various occasions during the Sarney government it was mostly a show. It was in 91 when President Collor came into office and when it also was proven that the consequences of this illegal, small time mining were terrible on the Indians, with the spread of diseases like malaria, which was now penetrating to the heartland and was killing off the population, and in fact was also killing the miners. It became a scandal and was denounced in Congress. It was after that that the Government began seriously to try to get the garimpeiros out. In 1991 President Collor took it on himself to demarcate the area. It was interesting to see that when a government really decides to do something it can do it – for years they had been claiming that it was completely impossible to rid the area of garimpeiros. It just goes to show that people can do anything when they put their minds to it. At the end of 1991, there are still a few hundred miners left in the area. They are still resisting in some areas where the police have not yet penetrated, but as a whole one can say that the big invasion has been stopped. That does not mean that the mineral question is resolved; even though the Yanomami area will be demarcated – FUNAI's president, Sidney Possuelo, says he can do it by May – we know that this does not safeguard the Yanomami area from mineral extraction. We do believe that the central government does not want a return to the same wildcat mining, which did not benefit many people and certainly not the Brazilian Government, as most of the gold was smuggled out of the country. Many garimpeiros died from malaria and when they did find gold they spent it in the nearest town as fast as they could. For the Yanomami they mostly represented death, the spread of disease, hunger and other problems which undermined their society. The government is aware that the problem is not solved, but we fear that the garimpeiros will return to the area in the form of organised, big mining companies, though we don't believe it will happen now. It would not make political sense with UNCED/ECO-92 taking place this year. The Collor government tries to show that it can solve the indigenous question by demarcating as many Indian lands as possible. President Collor put into office Sidney Possuelo, knowing that he will defend Indian rights. The mining question will come up again, and so we should be ready for it. In Brazil, mining activity can go on in demarcated areas if this is approved in Congress and if the Indians agree to it also. Congress today is very problematical because there are more congressmen from the Amazon than in the past, and specifically from Roraima, which has gone from being a territory to being a state and has congressmen who are lobbying hard to get the mining permission through.

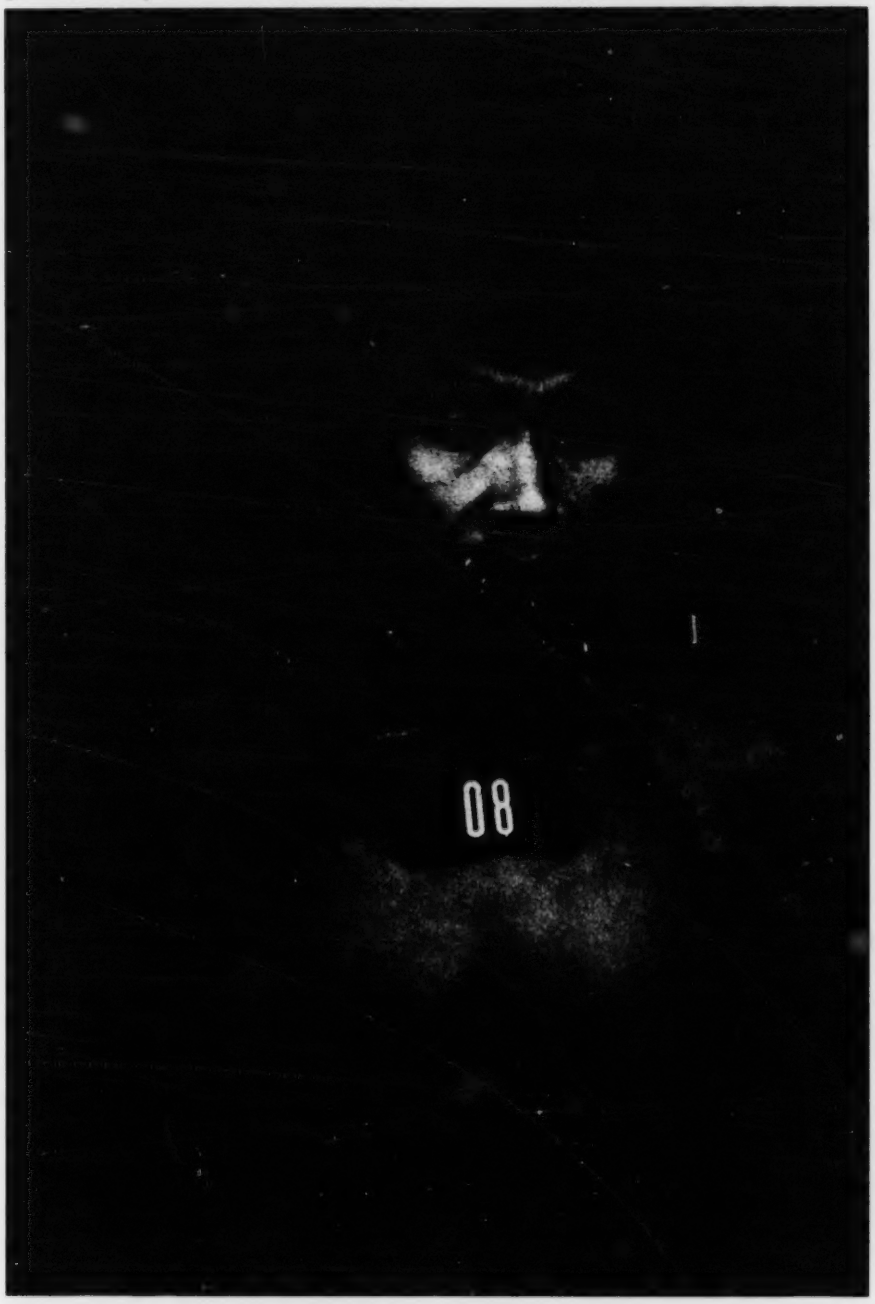
According to the new Brazilian constitution, as you just mentioned, before any mining can take place the indigenous peoples must be consulted and they must agree. How prepared are the Yanomami people to understand this question of mining on their lands?

I do not believe the Yanomami understand what mining will mean. This is not a question that affects only the Yanomami; even in places where contact happened

long ago, the question of letting big companies in to mine, cut timber or to extract other natural resources on indigenous lands is very complex. There are always people who don't understand the consequences of uncontrolled exploitation, get confused and let the companies in to exploit their lands. The world has to change; there has to be a change in attitude towards minority groups. In the case of the Yanomami, many are still in their first contact. Even though they have experienced a devastating 3 year invasion this is not enough to change a culture. You can kill off a population, you can weaken them through disease but you can't kill off a culture overnight. The culture of a people incorporates a unique vision of the world, it is not something you can change easily. If the Brazilian government will allow the Yanomami to recover, I believe they can make it. They will go back to their traditional way of life. I believe that it is important for us to make the Yanomami understand that they have gone through a nightmare from which they can awake, but it does not make them immune to further invasions. It is important for them to understand what a new invasion, even if it is by big mining companies, will mean to them, so that the Yanomami will be able to defend themselves. Still some may be easily convinced that mining will bring them benefits. However, one should not be unrealistic either; the Yanomami will have to understand their constitutional rights and learn to negotiate with the outside world, but for this they need time. They will have to have some understanding of our Western way of thinking and of economy. It is important that they get an understanding of the world.

You have described the Yanomami Indians living in small groups isolated from each other, as well as relatively isolated from the national society. They number approximately 9,000 persons and their territory is about 94,000 square kilometres. Looking at the future, are the Yanomami Indians able to patrol their territory and protect it against new invasions?

94,000 square kilometres is indeed the size of many European countries, but we have to understand that the way the Yanomami live they really occupy this land. Their land cannot support normal agriculture, they practice rotational agriculture, moving every 4 or 5 years, which gives the land, and the game they hunt, a chance to recover. The Yanomami are not aware of the size of their homeland and where its borders lie. They function very much in communities and know the limits of the area around their community, the land areas of the other communities near them, and of their hunting grounds. They have a different concept of occupation of land to what we are used to in Western societies, with private ownership. The Yanomami need large areas to make possible their rotational agriculture and so the forest can have time to renew itself. The forest is like a spider's web replenished by trails that the Yanomami use constantly for their travels and social visits. Many people who live in cities find it difficult to understand this type of land occupation. With



Yanomami man: Photo: Claudia Andujar.

time the Yanomami will have to start thinking of their territory as a whole, which does have boundaries within which they can move around. The outside world will also have to be educated to respect these boundaries, the cultural life of the Yanomami, so it is an educational process which goes both ways. Physical demarcation is taking place. We feel that this would be a good chance to help the Yanomami to understand the boundaries question by involving them in the physical process of demarcation.

How do you see the role of the international community in the future and how important has it been in the past?
It is undoubtly true that without the support of the international community, in the form of the NGOs who took up the Yanomami cause and important forums, as the United Nations and the Organisation of American States and in some cases European governments, we would not have come this far. Due to this intensive lobbying, which was built up over 20 years, it became clear to the Brazilian Government that the Yanomami question has to become a symbol of resistance and that they would have to resolve it if they wished to call themselves a democratic government. Undoubtly it was because of this that the Collor government decided to go ahead with the demarcation, though there was a lot of opposition, especially from the military and the local governments in the Amazon. It was very difficult to get Congress to approve the necessary funds and it was only through a special lobby of President Collor and the Minister of Justice that the protest of local Amazonian politicians was overcome.

We will need the continuous support of the international community, we have only won the first battle and the situation can be reversed in the future. We have no illusions about the situation; who knows what may happen after the UNCED conference has been held? We are very worried about what may happen after 1993, when the U.N. has its year of indigenous rights, because the attention focused on the Yanomami question today will surely move on. The preoccupation of the world with ecology may also move on. International interests in the indigenous question will have to survive all this. At the moment it is important to continue the work on the health problems, the consequence of the invasion and to start some form of educational program in which we can make the Indians aware of what is going on outside their world. We hope the international community will support CCPY in these projects.

From the beginning of the 80's, environmental organisations have become increasingly interested in defending not only environmental rights but also indigenous rights. Has this change meant more support for the Yanomami Indians?
I would like to speak of a person who strongly defended the Yanomami case, a world famous environmentalist, Jose Lutzemberger. He knew very little about the indigenous world before he was put into office by President Collor, as Secretary of Environment, but he quickly realised that the environment and the occupation of large areas of the Amazon by indigenous people cannot be separated. He became one of the most important defenders of the Yanomami's rights. We must remember that although this area is the Yanomami homeland it is also home to many different ecosystems and to the sources of many rivers which flow into the River Branco and into the Amazon. So, by protecting the Yanomami area we are also saving an important part of the Amazon.

You are one of the few persons who have a profound knowledge of the Yanomami Indians, of their territory and of their society. You have defined the Yanomami as intellectuals. What is their philosophy?
I think of them as intellectuals. Intellectuals are people who think about and understand the world in a global way. Their philosophy is to interpret the world in a holistic or global way. Things just work as a total system. A vision which is as old as humanity, but we have lost it. We organise ourselves in compartments, whereas the Yanomami think of life in a global way. I feel close to the Yanomami because I identify myself with a way of thinking in which humans, animals and plants are all interconnected and interdependent.

You have had many personal experiences with the Yanomami Indians throughout the years. Could you tell me some of the best moments you had together with them?
The best moments happened in the 1970's, when the Yanomami still lived in isolation and when I was able to spend some very peaceful and harmonious days, weeks and even months with them in their villages. I tried to observe and learn how they understood the world. In those days I understood that, though they considered my behaviour as curious at times, they did respect me, they respected the way I thought and I tried to do the same. This is why these moments were extremely precious because they were the moments in which, through them, I got to know myself better. It was in that time that I did most of my documentation through photography, living in the villages, at times, for a couple of months and then travelling back to the city. I returned with a new knowledge of what I wanted to do. It was almost like a symbiosis between us in which, using photography, I believe I was able to get into what Yanomami culture was. My photography is interpretative.

Photography for them is something of an aggression and if you really want to produce in depth work, as I tried to do, you should never do something that you know the other person doesn't want.

To end this interview I would like to give a message: it has taken us 13 years of hard fighting, with the collaboration of many organisations and many people who embraced this cause. I feel that our work has not ended, it must continue, and we do hope that as an organisation we will continue to receive support and the key to this is that people continue to trust us in the work that we do and that they understand that demarcation is just the first battle we won and that we will have to go on fighting for a long time yet. We must get the Yanomami more and more involved in this process and continue supporting them. ❑

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Argentina: Cholera arrives

The predicted arrival of cholera to Argentina has been confirmed in the last few days as a worrisome reality. In the vecinities of Santa María, Santa Victoria, La Paz and neighbouring areas, in the northern province of Salta, along the Bolivian and Paraguayan borders, the first cases of infection up to now (February 9, 1992) have claimed nine lives and 134 others are suffering from the disease. These figures are expected to increase.

In the mountains and high temperature zones, the victims are primarily indigenous *Wichí, Chorotes* and *Tobas* who live under conditions of extreme poverty and are without any means of preventitive medical care against cholera. The lack of drinking water, sewers and a diet based on fish, generate an explosive situation in which ethnic natives constitute the most exposed sector of the population.

Source: Jorge Fava ❑

Nunavut

In December 1991 the Canadian government and the Inuit of the Canadian Northwest Territories took a new step forward in the land claim process by signing a *Final Land Claim Agreement*. Since an agreement-in-principle was signed in April 1990 intense negotiations have taken place.

The agreement will leave the Inuit with ownership right to approximately 350,000 square kilometers of land (app. 18% of the land claimed (*Nunavut*) by the Inuit) of which 36,300 square kilometre will include mineral rights. The rest of the land will be surrendered to the federal Crown.

In addition to a compensation of $580 million to be paid over 14 years, the Inuit will receive annually 50 per cent of the first $2 million of resource royalty received by government, and 5 per cent of additional resource royalties within the settlement area. The Inuit will have control of known mineral lands including some uranium sites near Baker Lake, west of Hudson Bay.

However, before the Inuit can have their land there are several obstacles to be overcome. The first is to demarcate the boundary between the Inuit claim and other indigenous claims. As soon as the TFN negotiations ended, the NWT government swiftly announced that the boundary plebiscite will be held March 16.

There is strong opposition to the proposed boundary among Dene and it is far from certain that it will be approved in the upcoming territorial-wide vote. *If* it is approved the agreement has to be ratified by the Inuit communities and the parliament.

The land claim agreement also requires that the federal and NWT governments negotiate a »political accord« with the Inuit negotiating team to create a new territory Nunavut. This provision requiring a political acord on Nunavut will bring Inuit a lot closer to the long-sought-after division of the Northwest Territories.

With over 80% of the population in Nunavut Inuit will effectively exercise self-government in the new territory. But first, voters across the NWT, including Dene, Metis and non-native people in the western regions, will have to say yes to a proposed land claims boundary which also will be the boundary demarcating Nunavut.

(Source: Nunatsiaq News) ❑

Sudan: Destruction of Sudanese Nuba and Fur Peoples

The Nuba and Fur of Western Sudan are being made victims of Sudanese government policies designed to destroy them as peoples. They are being assailed simultaneously by three forces; the regular Sudanese military, the rebel Sudanese Peoples Liberation Army (SPLA), and government-armed paramilitary groups drawn from the local 'Arab' tribes. The people live in fear, and talk of 'genocide'.

Since October 1991, the area of the Nuba mountains has been sealed off by the government for a large military operation, supposedly against the SPLA. However, before that date there were frequent reports of arbitrary arrests and 'disappearances', massacres, raids on villages, and takeover of land. In spite of the embargo similar information is still emerging. In January 1992, a meeting of provincial governors in the Kordofan capital El Obeid declared a jihad against 'desperate rebel remnants' in South Kordofan. This is likely to become an excuse for yet more repression against the Nuba; yet though they may be backed by an appeal to religion these killings are in fact purely political, for many of the victims are themselves Muslims.

The Background

The Nuba, who number about a million, are a diverse group of tribes living in the hills named after them in southern Kordofan Province. They are farmers and herders, 'African' as opposed to neighbouring 'Arab' tribes, and traditionally non-muslim, having their own religious cults, though many have now become Muslims or Christians.

For generations there has been competition for land, wells and markets between these peoples and the Sudanese Arabs; in southern Kordofan these are cattle herding tribes known as Baggara. This has led to occasional conflict, but they have also traded and even married with one another.

The present terror is due to outside forces, and is the culmination of a decade of growing violence. In the current atrocious civil war, the government has made great use of armed militias from loyal Arab tribes to supplement the regular army. In the Nuba hills this means the arming of the Baggara, who use the advantage to raid Nuba villages, looting cattle and property and killing villagers.

In this conflict, the Sudan Peoples' Liberation Front (SPLA) perceives peoples like the Nuba, though living in the north, as their natural allies. En 1987 the SPLA started a unit in the southern Nuba hills, and have assasinated and kidnapped Nuba leaders who refuse to cooperate with them. In response, the regular army and military intelligence began to arrest and execute suspected SPLA sympathisers.

The situation since 1989

The coup which brought Gen El-Bashir's government to power in June 1989 was at first welcomed by Nuba leaders, who believed in the new regime's promises to restore law and order and disarm militias. Their hopes were soon dashed; the new

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government has actually legitimized the militias as an organised paramilitary force, the 'Popular Defence Force' (PDF). Their raids on Nuba villages became ever more bloody; at the end of October 1989 for instance in the town of el Lawaga and 19 other settlements, houses were burned and looted, 98 people killed and 3,000 left homeless. By 1990 there were an estimated 60,000 displaced people. It is credible that as the Nuba believe, this is a deliberate attempt to drive them from their land. So that the Baggara – who as Arab Muslims are acceptable to the regime – can take over.

In 1991, the violence increased, with the PDF and the regular military co-operating. In addition, the last two years have seen increasing numbers of arbitrary arrests of supposed SPLA sympathisers by the Military Intelligence. Most of these people are not seen again. There appears to be a policy of picking off Nuba with educational qualifications, who might become political leaders. For instance, 37 young Nuba men arrested in August 1991 on suspicion of supporting the SPLA, and reportedly tortured, are still missing; nobody knows what has happened to them. Among them were lawyers and teachers, including two high-school teachers. Ismat Hassan Khair al Sid, and Yousif Galdagoun. In early October 1991, the Commander of the local garrison was killed in an SPLA ambush near the provincial capital Kadugli; in retaliation 100 Nuba were rounded up; most of them are feared dead.

Meanwhile the service and economic infrastructure in the Nuba area has been run down. Medicine is almost impossible to obtain. In 1990 andd 1991, there have been acute food shortages due both to drought and the disruption caused by the violence. Food relief has been inadequate, and the people believe that it is being deliberately blocked.

Other Nuba have been recuced to joining the southern Sudanese refugees in the shanty towns around Khartoum. Here they suffer like the other refugees from the heavy-handed methods with which the government resettles them away from the urban area. Three people were killed in such a raid on 15 january 1992.

Most recent atrocities

According to the most recent reports, a large number of Nubacivilians from the Kamda tribe of the Nuba were arrested in early December 1991; 19 of them were killed in prison in El Legawa, and the remainder taken to the provincial capital El Obeid, where they have been charged under the new Law 96, which is specifically framed as a counter-insurgency measure. Villages have been forcibly evacuated, both among the Kamda and other tribes, and reports that the crops planted by these people are being harvested by the SPD suggest that the object is a takeover of the land.

Another credible report states that a militia group has abducted about 5,000 Nuba children aged between eight and sixteen, and that they are being held in a camp and given military-type training and indoctrination by the National Islamic Front.

The situation in Darfur

Further west, the Fur people are suffering a similar fate. In the escalating violence between them and local Arab tribes, the government has invariably supported the latter, while labelling Fur and other groups who try to defend themselves as 'robbers'. The situation is highly complex; the Fur and other peoples of the area are in danger of being destroyed by becoming embroiled in the national politics of the two neighbour states of Sudan and Chad. Now a military cracdown is being organised by the Governor of the province, Colonel El Tayeb Ibrahim. On his orders, helicopter gunships are being used against Fur villages, and hundreds have been razed to the ground. It looks as though Fur villagers are systematically, with government connivance, being driven from their land so that it can be taken over by Arab tribes.

Sources: Survival International ❑

East Timor:
Massacre survivors face harsh sentences

Thirty-seven East Timorese are in custody in Dili, the capital of occupied East Timor, and are awaiting trial for »being involved« in the 12 November demonstration, when troops opened fire, killing up to two hundred people. Three others, charged with stealing military documents and smuggling them abroad have already been tried.

Of the 37 now awaiting trial in Dili, five were arrested after troops stormed Motael Church on 28 October, when Sebastião Gomes, who was taking refuge there, was shot dead. Officials in Jakarta and Dili have announced that 14 of the 32 Timorese to be tried will face charges under the anti-subversion law with a maximum penalty of death. It is feared that these 14 defendants will receive harsh sentences. The remaining 18 will be charged under articles 154 and 155 of the Indonesian Criminal Code (KUHP). Political trials in Dili have been more unfair than in Java where defendants have generally been able to mount their own defence and choose their lawyers though in many respects in total disregard for the law.

In Dili, all pretence at conducting normal trials has been abandonded. Many of the trials held in 1984 were completed in a day, defence lawyers were appointed by the court, all defendants pleaded guilty, having been told that to do otherwise could mean even harsher sentences. Formalities about the right to reject the sentence and appeal to a higher court were simply dispensed with. The 1980s trials were not reported in the Indonesian press and hardly anything was known about them until 41 convicted men and one woman were transferred to prisons in Jakarta to serve their sentences.

Source: Tapol. 109 ❑

Chittagong Hill Tracts:
IWGIAs Statement to the Forty-Eighth Session of the United Nation's Commission on Human Rights

Thank you Mr. Chairman,
I am proud to speak to you as an indigenous Jumma woman from the Chittagong Hill Tracts in Bangladesh. I am making this representation as a member of

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the Jumma Peoples Network in Europe on behalf of the International Work Group for Indigenous Affairs.

I would like to start by expressing our solidarity with indigenous and colonized peoples in struggle for liberation across the world. Your struggle is our struggle, your strength is our strength.

Last year the International Chittagong Hill Tracts Commission published its report on land and human rights in the Chittagong Hill Tracts, called »Life is not ours«. The Commission was the first independent body to move freely around in the Hill Tracts and was also able to visit the Jumma refugee camps in Tripura, India.

The Commission visited Bangladesh at a time of great political change. In Bangladesh in December 1990 the military regime of Hussein Mohammed Ershad was brought down by the combined forces of the Democracy Movement. Women's groups, Jumma and Bengali students, workers and professionals as well as parliamentary opposition parties joined together to put an end to military rule in Bangladesh and to usher in the return of parliamentary democracy.

The Commission´s findings largely confirmed earlier reports of human rights violations in the Chittagong Hill Tracts. Jumma people were still being murdered, raped, tortured, injured and arrested.

The Commission recommended the establishment of a Special UN Rapporteur on the Chittagong Hill Tracts. It demanded a stop to all human rights violations effected by the army and persons under protection of the military. It concluded that demilitarization of the Chittagong Hill Tracts should be a priority and that autonomous political institutions should be established following a referendum of Jumma people.

It also urged that further settlement by outsiders into the Hill Tracts should be stopped immediately and that military cluster villages be dismantled.

Yet now, more than fourteen months later, the Chittagong Hill Tracts remains in the tight grip of military rule.

The Jumma people of the Chittagong Hill Tracts and anyone who speaks out in their support have not yet seen the benefits of renewed democracy in Bangladesh.

The District Councils introduced by the military regime have been suspended throughout Bangladesh, yet in the Chittagong Hill Tracts they remain in force.

Human rights continue unchecked in the Chittagong Hill Tracts since the change of government in Dhaka. Since the publication of the Commission's report last year, reports on human rights violations have been numerous.These violations have been perpetrated by the security forces of Bangladesh and include torture, rape, burning of houses and extrajudicial executions of non-combatant Jumma people.

We have details of numerous incidents. Chair, may I give just a few examples. Monotosh Dewan, who, along with several others, was detained by security forces during the month of July 91, remains in jail until now. He has been repeatedly tortured and is now gravely ill because of this. Two other persons were tortured to death in custody in May and June. Their names are known to us.

In addition, we know that an entire Jumma village was burnt down on May 18 1991 by army personnel and the inhabitants were forcibly relocated to an army-controlled cluster village. There are several other examples of more recent military attacks.

We have details of multiple rape of Jumma women by army personnel. All in all, we are extremely concerned at the continuing military use of rape as a means of oppression of the Jumma people.

People who raise the issue of the Chittagong Hill Tracts , whether they are Bengali, Jumma or non-Bangladeshi, are intimidated by the security forces. Mr. Chairman, we are sorry to inform you that 960 legally produced copies of the International Commission´s Report were confiscated by the Bangladeshi police last year. Two Bengali members of the Bangladesh Nagarik (Citizens) Committee in Dhaka were detained and interrogated for having reprinted the report.In September 1991 a human rights worker from Nepal was detained and interrogated at Dhaka airport on his flight home. His crime was to carry one single copy of the Commission's report.

We have learnt of the intimidation by the security forces of numerous named Bengali and Jumma individuals who have campaigned openly and legally against human rights abuse in the Chittagong Hill Tracts. At present we know of 78 Jumma people held in Rangamati jail and 38 in Chittagong jail, all under the Special Powers Act which was promised to be repealed under the new democratic government.

Such violations of basic human rights have prompted Wilfried Telkaemper, MEP and member of the CHT Commission, to write in protest to the Khaleda Zia government in Dhaka. To date he has received no response.

Since December we have heard that the army has raised the level of the Kaptai Lake in CHT to 110 feet, so that there is no fringe land left for Jumma people to farm. At the same time, the army has forbidden fishing in the Lake as well as woodcutting in all districts of CHT. Yet Bengali timber merchants continue unchecked to chop wood in the area.

Mr. Chairman, these measures are clearly not for the protection of the environment but to prevent money support going to the Jumma fighters, the Shanti Bahini (Peace Force). As a direct result Jumma people are starving to death, forced to eat nothing but bamboo shoots and the stems of banana trees.

Since the election of the new government there has been no parliamentary debate of the Chittagong Hill Tracts issue, and the Khaleda Zia government has committed itself to continuing Ershad's policies of military and political oppression in the Chittagong Hill Tracts.

Mr.Chairman, one year ago we were confident that the new regime in Bangladesh was able and willing to change radically the policy of the former military regime towards the people of the Chittagong Hill Tracts. Unfortunately, we do not see any indications of this. The International Work Group for Indigenous Affairs urges that the recommendations of the International Commission be acted upon and that parliamentary democracy in Bangladesh

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be extended to include the Chittagong Hill Tracts.
Thank you mr. Chairman. ❑

Bougainville:
Letter from the Pacific Conference of Churches to the Government of Papua New Guinea

The Ambassador
Government of Papua New Guinea
Embassy of Papua New Guinea
S U V A

Dear Sir,
I am instructed by the Executive Committee of the Pacific Conference of Churches meeting in Suva, 3 – 5 December 1991, to raise directly with the Government of Papua New Guinea the dilemma of the apparent impasse that the Bougainville situation has reached. In an apparent failure to bring the interested parties together to dialogue on the underlying causes of the conflict and their political implications, Pacific people are confronted by media reports of the continuing suffering and deprivation of the people of Bougainville.

Though we have heard that international agencies such as the Red Cross have finally been able to negotiate access to Bougainville to accompany desperately needed medical supplies, the blockade surrounding the island of Bougainville is still efficectively in place. In what would appear to be a strategy to break the morals of a people, hundreds of innocent lives, especially those of elderly, mothers and young children, have been lost, due to lack of what can only be called the most basic helath facilities and medical equipment.

The Pacific Conference of Churches through their Executive Committee issued a statement in November 1990 urging the lifting of the blockade, and offering services to mediate a dialogue between the authorities of the Government of Papua New Guinea and Bougainville. Though attempts to convey this to the political leadership of Papua New Guinea through intermediaries was not successful, the Minister for Provincial Affairs was later personally informed of this initiative in March of 1991. Nothing of a positive and tangible nature emerged from discussions that this contingency plan occasioned.

The 230 delegates at the Sixth General Assembly of the Pacific Conference of Churches completed in Vanuatu in September of this year, declared that they cannot idly stand by and witness the injustices perpetrated against Bougainvillean Christians simply because a genuine peaceful dialogue cannot be continued where a spirit of distrust prevails. In spite of two mutually negotiated and signed peace accords an atmosphere of suspicion persists and there is still no guarantee of free movement for the people of Bougainvuille or for relief organizatrions and church personnel to enter Bougainville.

In the light of these circumstances may I then, Sir, inform you of the resolutions passed in plenary session by the 6th General Assembly of the Pacific Conference og Churches (P.C.C.). These six resolutions represent the voices of Christians from 31 member Churches, National Councils and Conferences speaking as one ecumenical Pacific community in search for peace.:

1. That PCC call on the Papua New Guinea Government to lift the blockade thus allowing fuel, medical and other essential supplies through.
2. That PCC call on the Papua New Guinea Government to allow the International Red Cross League and other international and national humanitarian organizations access to Bougainville.
3. That PCC call on the Papua New Guinea Government to facilitate the composition of an independent supervisory team for deployment in Bougainville.
4. That PCC call on the Papua New Guinea Defence Forces to withdraw from Bougainville and the Bougainville Revolutionary Army to lay down its arms in accordance with the Honiara Accord.
5. That PCC recognise the right of the people of Bougainville to selfdetermination and urge the Papua New Guinea Government to agree to a referendum in Bougainville on its future relationship with Papua New Guinea, to be supervised by international observers.
6. That PCC call on the Papua New Guinea Government to allow the churches through their National Councils to make a pastoral and humanitarian visitation to Bougainville as soon as possible.

The above resolutions, Sir, were framed in a prayerful environment by committed Christians who declares that both sides in this conflict are obliged to persevere in the process of peace. If the PCC can facilitate this in any way then it would be happy to be of service. May I suggest that Resolution No.6 provides a tangible way in which peaceful initiatives could be revitalised or re-established.

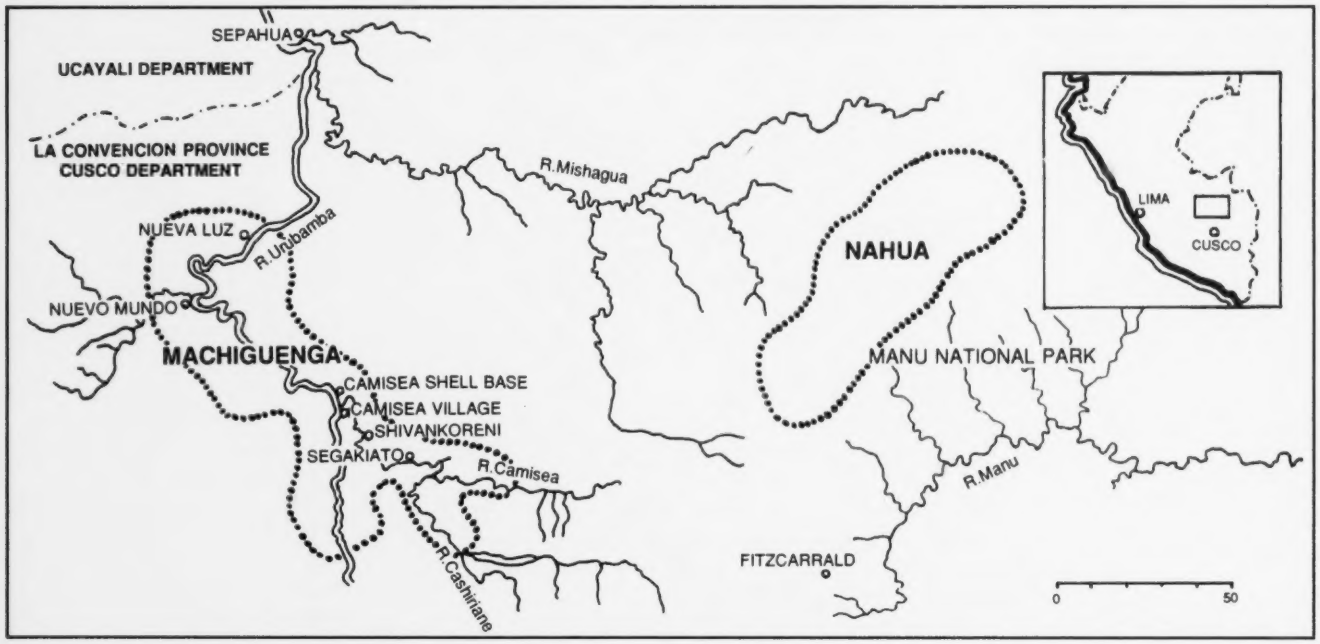
I ask you kindly to convey these concerns and requests to your Government and look forward to being informed by you of its response in this matter.

May I remain,
Yours faithfully
Peter J. Salamonsen
Secretary for Justice, Peace & Development

cc.General Secretary of the World Council of Churches.
President of the Pacific Conference of Churches.
General Secretary of the Papua New Guinea Council of Churches.
General Secretary of the Solomon Islands Christian Association.
Leaders of all PCC member Churches, Councils and Conferences.
General Secretary of the Australian Council of Churches.
General Secretary of Christian Conference of Asia.
Joint Administration CCA-NZ/Te Runanga Whakawhanaunga I Nga Haahi O Aotearoa.
Co-ordinator of the Pacific Ecumenical Forum. ❑

Ethnocide or Indigenous Identity in the Peruvian Jungle?

By: Tim Cloudsley



Native societies in the Amazonian rain forest have always had to contend with other native groups, in relationships that are at times hostile, disruptive, or threatening. Those living in rainforest areas close to the Andes have also for some millennia coexisted with larger, more organized social systems, culminating in the civilization and state run by the Incas up till the Spanish Conquest, and since then with an hispanocized Andean world. Indeed, societies are always changing, adapting to new conditions and to pressures from other societies. What is it then, that allows us to use the term »ethnocide« in relation to the effects sometimes produced upon native societies by contact with variously termed »occidental«, »capitalist«, »dominant«, »global«, »national«, or – in the context of Peru – »mestizo« society?

Clearly, the distinctive characteristic that justifies the term ethnocide is the rapidity of the change that is imposed by, or whose contours at least are structured by, an overwhelmingly more powerful civilization and cultural system. Native adaptation to domination by this system often means disintegration and the hegemony of capitalist society's cultural values – that is, ethnocide (if not physical death). Sometimes however the adaptation, though it is caused by occidental social influence, is simultaneously a defiant self-assertion, a recreation or reinvention of cultural identity. The more or less forced change and the assertion of an old identity in new forms, are inextricably interlinked. The process is analogous, though not comparable in any detailed sense, with the creation of Third World nationalism by within colonialism (1). Here there is the forging of an identity that is new, yet non-western, drawn from precolonial history.

Colonialism brought into being new nation-states, realities that did not exist before, which in some ways represented the imposition of a western idea. At the same time however, Third World nations were brought into being paradoxically through resistance to colonialism. Very often the identity is new, in that communities which before were indifferent or hostile to one another, developed a sense of being part of one entity. Once this idea is alive, it invents itself in ways that draw from traditional languages and cultures with roots in the precolonial past. Something rather similar seems to happen in an area such as the one being considered in the Peruvian rainforest.

The province of La Convención in northern Cusco Department is both a particularly interesting and an example of characteristic region of the Peruvian rainforest, that borders the Andean foothills. For reasons of navigational difficulty through the rapids at Pongo de Mainique, the lower Río Urubamba remains relatively remote, though colonization, extraction of timber, and oil exploration nevertheless impinge upon and threaten the cultural identity of indigenous native groups, and in some cases their very existence. It is particularly easy to observe and analyze processes of cultural assimilation here, in all their diverse and contradictory forms; the region is something like a microcosm of the Peruvian rainforest

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in its relations with the Andean region, with the frontier town, the encroaching market and national society.

In this paper I try to consider the multidimensional, contradictory and simultaneous processes of acculturation or assimilation into the dominant culture on the one hand, and the assertion of distinct identity on the other, among native groups in Sepagua on the lower Urubamba (2). I will mainly confine my attention to the *Panoan* communities of *Yaminahua* and *Nahua* who live in Sepagua.

For as long as there have been civilisations in the neighbouring Andes, this has been a region of contact and exchange between rainforest natives and Andean societies. One of the native groups living in Sepagua, the *Piro*, historically dominated trade with the Incas and probably earlier Andean rulers. Petroglyphs at Pongo de Mainique indicate this (3). Though the Incas gave up trying to conquer the jungle directly, the latter was important to them in providing certain vital things – especially coca and parrot feathers. The Incas imposed a system of usufruct in this region, as in other rainforest areas bordering the Andean foothills, to ensure the supply of such products. Though leaving the native peoples basically intact, they must have greatly influenced them as a much more sophisticated and large-scale society.

After the Spanish Conquest this relationship between Andes and neighbouring rainforest changed; with the collapse of the Inca civilization the elaborate trading system broke down. Things became more localized and autarchic, presumably as they had been long before. In the three centuries following the Conquest there was some missionary activity in the area, but not very sustained. Native communities must have been scarcely aware, for considerable periods, that the Spanish were there – unlike in the Gran Pajonal where Dominican missionaries set up missions which were expelled by an extraordinary uprising led by Juan Santos Atahualpa in the early eighteenth century, resulting in a period of a hundred years during which little effort was made to reenter that area.

As elsewhere in the Amazon, it was the onset of the rubber boom (1860-1910) that caused native societies here to know fully about the dominant society. Vast concessions were given by the government to ruthless rubber barons, who used one group of natives to subjugate other groups; enslavement, exploitation, liquidation, death through disease and forced movement of natives caused dislocation, and depopulation it is estimated, down to 10% of its pre-rubber boom level. In the disruption and disarticulation caused by the rubber boom, scattered fragments of different native groups were sometimes thrown chaotically together. To survive, individuals of wholly different ethnicity would often congregate as groups.

Thus they survived the rubber boom, to experience isolation again between 1910 and the post World-War II period. Then began a new cycle of resource extraction: of timber, skins and in due course oil. Plantations and cattle ranches have not been attempted much in this area, fortunately; though some poor colonists from the Highlands and the coast have moved in, trying to establish a new life by cutting down a portion of the jungle. The post-War period has also seen a growth in missionary activity, chiefly by Dominican Catholics who have set up missions like the one in the legally established Native Community of Sepagua, where they provide a school and some medical care. Whether or to what extent they influence the natives in Sepagua is a matter of interest to be considered later. Though the Dominicans have the predominant right to be active in the area, the American Protestant Summer Institute of Linguistics (SIL) also has a presence.

The village or town of Sepagua came into being in 1947 when the Dominican Mission was set up. The first native residents were a small group of *Piro* who had been living there before; more *Piro* came in the ensuing years and through the 1950s. In the 1960s came the Panoan Amahuaca, then in the 1970s *Yaminahua*, both from the Río Purus. In each of the latter cases, the Dominicans negotiated with a group of natives to come to Sepagua, who were in difficulties. It seems that natives have not generally come to missions or »settlements« voluntarily, that is without some pressure to do so. It always means living in much bigger communities that they are accustomed to – their traditional mode of life being in very small groups, itinerant and nomadic, with continuous fusions and fissions. Though very conscious of their identity as parts of larger groups, they did not traditionally live physically together. In each case, as with the *Nahua* to be discussed shortly, they came for shelter due to problems, and had to accept certain terms along with that. The *Amahuaca* and *Yaminahua* in the Purus area had been decimated during the rubber era; communities could not survive in their traditional endogamous way. The need for women exacerbated old patterns of hostility between groups; raids between groups for women were accompanied, according to Graham Townsley, by an increase in accusations of witchcraft (4). Thus in spite of massive reductions in population, groups were constantly at war. The group of *Amahuaca* who came to Sepagua in the 1960s had been nearly wiped out, before accepting the invitation from the Dominicans. A similar pattern preceded the *Yaminahua* joining the community in the 1970s. As with the *Nahua* in the 1980s, each native group that came to Sepagua had to sacrifice some elements of their traditional way of life. Thus for the *Yaminahua* the system whereby each community lived in two large malocas, as two moieties, disappeared – though this change began before they came to Sepagua; with this the entire cosmology of society and nature being a »dual order«, as Townsley calls it, receded in importance. In Sepagua now they build small houses, one for each nuclear family. The small size of each community of natives has necessitated a loosening of the norms of endogamy, as the need for some marriages with other natives, and some with non-natives (the latter being seen as a valuable way of »binding in« with the mestizo community) has been recognized. A negotiation with the new conditions means a loss, therefore, to endogamous ideals (though the majority still marry endogamously) and to the dualistic cosmology (according to which for example, all animals and plants are of one or another moiety, with which all *Yaminahua* individuals are associated). Each group has simultaneously reacted to some loss like this, whilst making certain gains: material, educational, healthwise, and in security – each of which they value, even if for example they make certain criticisms of the way the school is run by the priests. These gains, set against their collective memories of difficulty and hostility in the past, lay the basis for a new affirmation of cultural identity – in an imaginative leap cultural tradition is reinvented, albeit in new terms. At the same time these new possibilities serve to »hook« native groups to life in Sepagua; they could not easily do without them again as they are very aware of, and they have forgotten concretely much of their

former strategy for existence in the jungle.

However, the extent to which natives enter into a »fetishistic« seduction to or dependence upon commodities and money-dependent kinds of power and status image reflects inversely, to a considerable degree, the extent of community strength and confidence – the extent to which the different groups experience control over their existences.

Thus, we witness a complex process of voluntary and involuntary acculturation, elements of which are difficult to entangle. Though it is difficult for natives to return to their former way of life in the jungle even if that is possible, the recent return of a group of *Nahua* to the Río Mishagua, to be discussed later, indicates that this remains a possibility in what remains of habitable, but unoccupied virgin forest, if a native group is so inclined.

Hence, the history of the *Panoan* groups in Sepagua is a complex mixture of ethnocide and cultural reaffirmation. A history of population depletion, forced migration, settlement, missionary activity, and adaptation to the »dominant culture« in Sepagua – where natives have had to negotiate with or react to mestizo traders and lumbermen, oil company employers, commodities, wage-labour and the market – has resulted in some loss of traditional economic activity. Though they still hunt and gather, these activities are less central than formerly. On the other hand their methods of slash-and-burn agriculture have not altered significantly, but for the introduction of some new crops. There has been some loss of traditional ritual and cultural activities, but also a strengthening in some areas.

Shamanism in particular has been strengthened among the *Yaminahua*. Though some no longer participate in the sessions at which the hallucinogenic potion ayahuasca (shori in Yaminahua),is drunk, due partly to advice from missionaries, partly to a self-generated wish to relinquish that aspect of native tradition, in general the importance of shamans' visions has grown. Through the visions that shori allows, shamans confront spirits, ancestors, and mythical figures; they negotiate with them, try to use or direct their forces and powers, shape them to the benefit of the community. The need to negotiate with other native groups and the non-native community around them, means their is plenty of opportunity to want this. The visionary encounters are a sort of psychic-intuitive mustering of strengths and forces to cope with people and situations – it could be viewed as an active metaphor for dealing with the outside world. The importance of shamans is also no doubt enhanced by the respect shown by some non-natives for the shamans' curing powers, and their fascination for the visionary experiences opened by *shori*. Certainly, the stature of the main *Yamnahua* shaman in Sepagua, his reputation as a competent man, capable of dealing with the world – both within the *Yaminahua* community and outside – testifies to the crucial importance of the shaman as a visionary wanderer at night and a quick, sharp-witted wheeler-dealer, negotiator, sorter out, by day. He must also be physically strong, practical, a good hunter and worker in the chacra and at other tasks.

Recently arrived Nahua in 1985. Photo: Tim Cloudsley

The circumstances in which the *Nahua* were »contacted« by people from Sepagua have been recorded in a number of places, (5) so I will give only the most brief resumé here. Though the *Nahua*'s existence in the headwaters of the Ríos Manu and *Mishagua* (and their hostility to intruding seismologists and lumber men) have been known of for more than ten years previously, the first sustained contact was made in 1984, when some lumbermen captured a group of *Nahua* and took them back to Sepagua. On this visit they met SIL missionaries and the *Yammahua* headman/shaman. Shortly after their return home a group of some 130 *Nahua* fell ill of pneumonia as a result of contact, of which about 50 died. The remainder, weak and debilitated, now accepted missionaries among them to administer medical care. Partly due to this dependence, and partly because it transpired that the *Nahua* and the *Yaminhua* speak the same language, so that the *Yaminahua* shaman came to have some influence over the sick *Nahua*, the latter accepted an offer by Shell employers to bring them to Sepagua, where Shell at that time had its regional base. This was in 1985. Though Shell was not officially involved in the move, a clear convergence of interests on the part of resource extractors, missionaries, and the slowly expanding mestizo society had succeeded in removing these *Nahua* from their habitat.

For the *Nahua* their arrival in Sepagua was a traumatic and distressing experience. The largest batch of about sixty had to live in a single house with no sides, though they were accustomed to houses with roofs that come low, almost to the ground. No regular supply of food was available for them. They were accustomed to eating yucca, plantains and monkeys. Because they did not live near large rivers they did not fish, hence were unprepared to obtain fish on arrival in Sepagua. It was impossible to hunt sufficient monkeys in an area with a considerable human population and of course it would take many months before food could be obtained from agriculture. The *Yaminahua* headman brought them irregular, insufficient supplies of food, whilst Shell refused them food claiming it would imply their involvement in the move and create depend-

ent expectations on them.

To observe the reactions of the *Nahua* to their first contact with »civilisation« was both fascinating and tragic. This must have been like a leap into the future for them – frightening, exhilarating and utterly perplexing all at the same time, with very little to soften the shock at the end of their odyssey. They were absolutely fascinated with clothes and materials quite new to them and very quickly found they liked some new kinds of food such as sugar. The way they stared at the Shell trucks (the only vehicles in Sepagua) and Hercules aeroplane as it landed at the Shell airstrip displayed an amazement befitting a science fiction scene.

The miserable aspect of the experience was that they were forced to beg for food; they did not understand money or the idea of wage-labour, so they took slowly to the notion of working for food or for money to buy food. Many mestizo people failed to understand their predicament and thus had prejudices reinforced about savages being lazy and thieving. Natives of other groups living in Sepagua were often generous, but even some of them shared these prejudices and few people seemed to doubt that to become »civilized« was the best thing for the *Nahua*. Some of the orphaned children were taken in by kind families; on the other hand the *Yaminahua* headman talked about selling children to mestizo families who would bring them up as servants (though this did not happen). Some of the men got very drunk on licor – being quite unused to alcohol of such strength it changed them from their serene, self-controlled normal state into wild men.

The old and ill obviously felt things worst; the young men adjusted best. Some of the latter quickly got to know how things worked and were soon doing jobs to obtain things other than food. Clothes and hats seemed to seduce them; they cut heir hair and replaced their feathered head-dresses with construction men's hats given by Shell (even though the latter would not give food!) and the women gradually replaced their dresses made of seeds strung on cotton threads with western dresses. Or, western clothes were worn over traditional clothes, ornaments and painted bodies, sometimes in several layers! Such reactions might have been simply an initial excitement; the concern was that some of the *Nahua* would lose the desire to live in the jungle again whilst others would become disillusioned with »civilisation«. If this occurred, the community might become divided. Or, after a long period they might lose the ability to live in their former way.

I returned to Sepagua exactly a year after the events described above, in August 1986. The *Nahua* had become divided as feared, though it seemed that the two groups were reasonably well-balanced with respect to age and sex, a situation that often does not prevail when native communities are disrupted. Approximately fifty had gone to live on the Río Mishagua and thirty were still in Sepagua, though there was some movement back and forth between the groups.

The Sepagua group were still ineffectively settled in inadequate houses and some were still in bad health, though generally their situation was less lamentable than one year previously. They had cut and burnt some fields for crops. They were reliant on the Dominican mission for health provision and in time their children would attend the mission school. As usual, the process of »settling« involved loss of territory, autonomy, and some aspects of traditional life-style.

SIL missionaries were with the group on the Río Mishagua and were attending to their health. Some ill natives returned to Sepagua in August. Some of the *Mishagua* group were working for lumber men. Generally they were reasonably healthy though rather short of food. These *Nahua* who returned to the Río Mishagua were under the influence of, or agreed with, and older headman who was unhappy with the treatment they had received from the inhabitants of Sepagua.

Intermingled with the ethnocidal tendencies among *Panoan* natives in Sepagua, there is cultural affirmation. The very threats to their survival have resulted in adaptations that reassert their identity, if in new forms. Change, and the need to resist oppressive or complicated external influences can bring about reaffirmation of cultural identity. Successive groups settling in Sepagua have acted as patrons for the next: *Piro* for *Amahuaca*, *Amahuaca* for *Yaminahua*, *Yaminahua* for *Nahua*. Acculturation seems often to move through phases of seduction to the dominant society, then to a backlash of reindification. Previously identity has been less a conscious issue; it has been more automatic, spontaneous, unreflective. Again, the extent of acculturation of a native group is often dependent on the speed of assimilation. Thus the *Campa* and *Machiguenga* have had contact over centuries, whilst the Purus *Panoans* have known its only since the rubber boom or more recently still. In some cases a longer time allows a more self-conscious considered accommodation, though in others, depending on their experience, it has meant becoming acculturated. Generally, the large population and homogeneity of a people – for example 30,000 Campa cover a homogenous territory – is favourable to maintenance of identity. The Purus *Panoans* are fewer and live in fragmented communities, yet as we see, they nevertheless find means to resist assimilation.

The most recently arrived group, the *Nahua*, have to negotiate the more powerful world of mestizo Sepagua and that of the *Yaminahua* (and to a lesser extent those of the other native groups). The chief problem I observed among the *Nahua* in 1990, after they had lived five years in Sepagua, was the loss of the men's incentive to hunt (more so than among *Yaminahua* men, who paradoxically have been there longer). A lack of protein causes lethargy at times, and sustains a seduction to buying food with money, and thus a continuing inclination to beg. This goes hand in hand with a continuing lack of understanding of money and monetary exchange, especially on the part of the women who have traditionally not engaged even in non-monetary exchange. But presently the *Nahua* live in good houses, the community is vibrant, and they keep chacras with a variety of crops. Women normally wear traditional ornaments, though sometimes with western clothes. Men also sometimes wear traditional ornaments, more often with western clothes.

The *Amahuaca* and *Yaminahua* were traditionally bitter enemies, hostility being underpinned by rivalry over territory and women. This was exacerbated by the consequences of the rubber boom, as already explained. In the native Community of Sepagua they have had to live together, and to survive have needed to intermarry (even though the first group of Yaminahua that came to Sepagua in the 1970s were killed by the already-resident Amahuaca). Alvarez Lobo, the long-time Dominican head of the Sepagua mission, points out that this has caused to some extent a pooling of cultural traits between the two culturally similar groups (6). He considers this to be a cultural enrichment, made possible by the Community.

The *Nahua*, before coming to Sepagua did

not take ayahuasca and were unfamiliar with *Yaminahua* shamanism. Now *Nahua* men have become apprentices or initiates, and participate in this rich store of *Yaminahua* cultural experience, surely to the enhancement of both groups. The children of the *Yaminahua* Shaman can sing Andean songs in Quechua or Spanish, or Brazilian songs in Portuguese. The shaman flies in an aeroplane more often than on an eagle, as formerly, in his visions. He compares his shamanic visions with a cinema film, since he saw one on a visit to Pucallpa. This incorporation of technologies from the dominant society for their magical powers is surely culturally creative, rather than ethnocidal. There is no indication that traditional myths have lost their meaning for him meanwhile.

For a »progressive« Dominican missionary like Alvarez Lobo these positive features of the Sepagua Native Community serve to legitimize the mission and the values behind »settling« natives. For him Catholicism allows natives to affirm their identity. There are of course differences among Catholic missionaries concerning their »metatheory« or »master-narrative« of history. We might compare them for a moment with a deterministic or «vulgar« version of Marxism (though there are of course other versions), whose schema sees »primitive« society developing into a number of class societies, culminating in capitalism which brings into being the world proletariat. The latter is the heir to all previous forms of society, and unites to overthrow all oppressive social forms and create a new, global socialist civilization. Native societies get knocked aside in this grand sweep of history, becoming proletarian – »world« people no longer holding to a distinct native identity. Socialism is the only and necessary solution to all human problems, including those of natives, whose form is disclosed to Marxist theorists. A dogmatic, ethnocentric blindness to all human distinctions besides those relating to class places »indigenous« peoples merely as sections of the peasantry or working class.

For a »progressive« Catholic »metahistory« like that of Alvarez, Catholicism is destined to redeem the natives from their suffering, injustice and exploitation, restoring their identity in a »true« form. Traditional native culture is respected to a degree but the solution to the problems of history is Catholicism; though in fact this form of missionary activity frequently serves to acculturate natives to the norms and values of the dominant, capitalist society, it is seen by the missionaries as providing an alternative to, and shield against, capitalism, which is recognized as exploitative and dehumanizing.

The outlook of SIL missionaries on the other hand is that they save natives from themselves and their fallen world (7). In reports written by the first missionaries to meet the captured *Nahua* in Sepagua in 1984, the event is referred to as a »discovery« of »lost people«. One author writes: »I marvelled at the providence of God...bringing these frightened ones out« (8), and another says they »expressed their desire to stop killing and live in peace. They also said they wanted help« (9).

For SIL missionaries Christianizing natives means granting them the true religion, but also quite consciously, offering them the benefits of modern consumer-technological society. They explicitly state that their role should include adapting natives to capitalistic assumptions about wage-labour, production for the market, individual possessions, and material prosperity. Though some Catholic missionaries share this view, others do not – even if, as suggested above, the effect of their work is to instil such values anyway.

There are other »master-narratives« for native history that come from outside (10). The Indigenist outlook is essentially separatist and purist: traditional identity and life style comprise the only meaningful categories. For the liberal secular view, indigenous people are simply people, but as individuals, not parts of a class as for the kind of reductionist Marxism referred to earlier. However inadequate, the Laws of Native Communities do at least challenge the anti-ethnic assumptions of this last, recognizing in principle a kind of property ownership different from capitalism's, and allowing that cultural distinctiveness is inseparable to economic productive efficacy and political rights.

Can there be a genuinely disinterested, authentic view of native self-determination? A commitment to diversity, difference, and equality with justice in the face of pressures from an intruding global society? If there can, it must obviously be based on what the natives themselves want. But the difficulty cannot be evaded that, as soon as contact occurs and from then on, external influences cause differences to set in within native communities over how to define and realise their wants. The very process of contact with the dominant civilization tends often to fragment them. A whole new area of need then emerges: for a public sphere of native dialogue, discussion, and debate. Native self-determination has to be seen as native democracy.

NOTES

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3. See Luis Román: *Aproximación a una Realidad aparte: la convivencia Piro-Campa in Relaciones Intertribales en el Bajo Urubamba y Alto Acayali*, Documento 5, Centro de Investigación y Promoción Amazonica, Lima, 1983.
4. See Graham Townsley: *Ideas of Order and Patterns of Change in Yanimahua Society*, unpublished thesis for PhD, Cambridge University, 1988.
5. The following are just some: Survival International *Urgent Action Bulletin*, London, October 1984; Alonso Zarzar: *Report and Research Plan on Social Organization and Cosmology among the Nahua*, unpublished, Lima, November 1984; *Amazone-Indianen Tegen Shell in Peru*, in Tribaal, March 1985; *Nahua people suffer the perils of contact* in the International Work Group for Indigenous Affairs, Newsletter No. 45, Copenhagen, April 1986 (Sources: Luis Román: *Crónica de una muerte anunciada*, Pueblo Indio, No. 7 Lima 1985); Tim Cloudsley: *Shell's Search for Oil and its Effects on Natives in the Lower Urubamba Region of the Peruvian Jungle*, Research Report for Survival International, February 1987; Alonzo Zazar: *Radiografia de un contacto : Los Nahua y la Sociedad Nacional in Amazonia Peruana*, No. 14 Vol VIII Lima, May 1987.
6. See Ricardo Alvarez Lobo: *TSLA Estudio etnohistórico del Urubamba y Alto Ucayali*, Editorial San Esteben, Salamanca, 1984.
7. See Soren Hvalkof and Peter Aaby (eds.) : *Is God an American? An Anthropological Perspective in the Missionary Work of the Summer Institute of Linguistics*, a joint publication by the International Work Group for Indigenous Affairs and Survival International, Copenhagen, 1981
8. *Impressions of the Week of June 11-15, 1984: »Parqui-nahua Contact*, SIL document, 1984.
9. *Some Questions Focused on the First Six Months after Contact with an Isolated Etpnic Group*, SIL document, April 1985.
10. For a discussion of this general issue see: Andrew Gray: *Perspectives on Amarakaeri History*, Etnologiska Studier 38. *Natives and Neighbours in South America*, Anthropological Essays (eds). Harald O. Skar and Frank Salomon, Göteborgs Etnografiska Museum, 1987. ❑

Sarawak:
The Plight of Natives Worsens

New Blockades, More Arrests

Recently, the Magistrate's Court in Bintulu sentenced eight *Iban* natives to prison for »criminal intimidation«. They had set up barricades to prevent loggers from trespassing onto their communal land and communal reserve. Since 1987, more than 300 natives have been arrested. Meanwhile, 400 *Penan* men, women and children in the Ulu Selaan area and about 100 *Kayan* natives of Batu Keling community in Belaga have been putting up human barricades since the past month or so.

The above events are part of a continuing and growing non-violent protest by the natives of Sarawak to defend their land, their way of life – their very existence.

The events also reveal the shameful and scandalous indifference of both the Federal and State Governments towards the plight of the natives which has gone on for so many years.

Instead of looking into their plight the Government sends army and police personnel to blockade sites to harass, intimidate and arrest the natives. Logging is being intensified, reaching deeper and more remote jungles, operating in 24-hour shifts cutting trees under spotlights.

The natives' plight continues to worsen. Sometimes they only eat rice with salt. Their water supplies are badly affected as many water catchments have been destroyed by logging. And as a last resort, many families have moved to the towns as squatters and to look for jobs. Many native women are driven by poverty into prostitution.

Senseless destruction

The conspiracy by the State authorities, the timber concession holders and contractor companies to log the forest and deprive the local inhabitants of their rightful use of the forest began as really as the 70s.

Patient and tolerant as they are by nature, and after many appeals to the governments, it was only in the 80s that the natives decided to take appropriate action to defend themselves, their lands, and their future generations.

In December 1986, a group of *Penan* chiefs had informed the State Government that unless it acted to stop logging operations in the Ulu Baram district they would »take appropriate action to defend ourselves«. But their protest bore no result.

The bulldozers, lorries and chainsaws continued to rip the forest to smithereens. It caused severe erosion and flooding. Water supplies turned murky and unfit for drinking. The children did not have enough to eat. Plant food and medicines on which the natives depend for their existence were destroyed. Wildlife disappeared.

The sacred dwellings places of the natives' forest spirits and the sacred graves of their loved ones and ancestors were desecrated by bulldozers before their very eyes.

Little did the natives know that it was only just the beginning of a long battle against the full might of timber interests and the power of the modern world system motivated by greed.

Human blockades

Constant appeals to the authorities and even the timber companies fell on deaf ears. In desperation, the natives, who are by nature very loyal, peace-loving and law-abiding citizens, decided to stage barricades across logging roads.

The blockades comprise of logs and frail wooden structures and their own human bodies – hundreds of men, women and children standing across the logging roads, blocking the timber lorries from getting through.

The blockades began in March 1987 in the Baram and Limbang districts where logging was the heaviest. As many as 25 blockades were eventually set up that year.

Timber lorries were unable to pass through. The logging stopped for several months. But it was only a lull before a storm.

False assurance

The natives, especially the *Penans* had hoped for some positive response from the State Government to their numerous pleas and petitions. This hope was reinforced by a visit of indigenous chiefs and representatives of the *Penan, Kayan, Kenyah, Kelabit Lun Bawang* and *Iban* communities to Kuala Lumpur in June 1987.

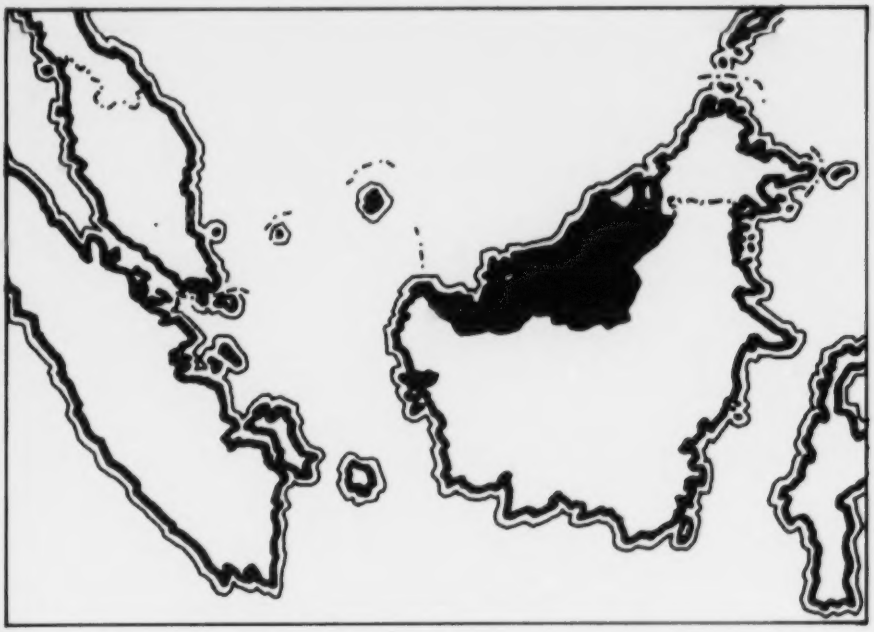
The delegation met various Federal Ministers including the Deputy Prime Minister. They listened with sympathy to the problems caused by logging, promising to take the matter up with the State Government.

More than three months after that »historic« visit, there was little action on the part of the authorities to solve the natives' problem caused by logging activities. In fact things got even worse.

Arrests

In August that year, in two separate incidents, seven *Penans* were arrested and charged with burning six bridges belonging to timber companies.

Two months later, in a simultaneous operation, the police visited all the blockade sites and asked the natives to dismantle the barricades. 42 *Kayan* villagers were arrested in connection with their blockade in Uma Bawang.



Harrison Ngau, who was then SAM's representative was detained under the internal Security Act as part of a nationwide series of detentions.

Law amended

Unable to break the spirited non-violent protest of the natives, the Sarawak Government decided to change the rules of the game. On 25 November 1987, the Legislative Assembly amended the State Forest Ordinance making it an offence to set up any structure on any road constructed by a timber licensee or permit holder. The offence carries a two-year jail term and a fine of $6,000.

It was very obvious that this new law was aimed at curbing any further attempts by the natives to protect their customary land and forests. It clearly denied them the right to protect their own property.

In February 1988, a meeting of *Penan* representatives resolved that the amendment was unjust because most logging roads cut through their land and property. Thus they have the right to blockade on their own land to protect it.

Full-scale logging

The plight of the natives worsened with the removal of blockades and the enforcement of the new law forbidding any blockades.

Logging companies resumed at full speed. The remaining forest in certain areas were relentlessly chopped down. »They log every day, even when it rains heavily«, said Juing Lihan, a *Penan* chief of Long Bangan.

In the Baram District logging proceeded at 24 hours a day in three shifts. It caused great distress and angered thousands of natives.

Throughout the month of July 1989, the Baram and Rejang districts experienced severe drought. Water supplies were scarce and a wave of illness broke out, especially among the native children who were forced to use contaminated water.

For the longhouse communities the drought had affected their sowing and their rice harvests in the coming year. Some *Penan* communities were on the verge of starvation.

The timber industry had started full-scale operations in the area which housed the watersheds for the Baram riverbasin.

More arrests

The indiscriminate and intensive logging by the timber companies resulted in an upsurge of new blockades. Consequently, there were also more arrests. (Since 1987, more than 300 natives have been arrested. Many have been acquitted or discharged. There are more waiting for their trials).

Whilst in prison, the natives were harassed, humiliated and intimidated by the authorities and the police personnel. There were also claims by some of the natives of police brutality.

Hipocracy

The arrest and intimidation of the natives continues even till today. The natives of Sarawak do not understand why they are being treated like criminals or culprits or people who have no rights. By tradition, they have always considered the Government as a benevolent father who looks after the needs of his children. However, this trust and confidence has been shattered by a State Government that has shown little or no interest in their plight, but seem more eager in issuing timber licences and protecting loggers.

It is so ironic that while the Federal and State Government have expressed their determination to put an end to illegal logging, they have not mentioned a word or lifted a finger to put a stop to the destructive logging that is going on in Sarawak.

It is indeed a mockery to speak of a »caring society« when the Government and especially the media has treated the sufferings and the inhuman treatment the natives are being subjected to, as a non-issue.

Unless immediate and serious action is taken by the Government, the plight of the natives in Sarawak will become a great calamity and shame for the nation.

The most appropriate action to take is to stop the logging operations in Sarawak and to recognize the legal rights of the Sarawak natives in accordance with the Sarawak land law.

Police Intimidation Continues

Besides having to contend with the loggers who trespass on their land, the natives have also been at the receiving end of the harsh treatment by police personnel who overstep their authority.

Contrary to the assurance given by the IGP in their meeting with him in June 1987 the natives claim that police (heavily armed with machine guns) have on many occasions forced them to dismantle their blockades.

In December last year, Police Field Force personnel abused the natives calling them »binantang« (animals), »berotak baru« (hard headed) and warned that they »misti dihapuskan« (must be destroyed).

The PFF men also fired several warning shots to frighten the unarmed natives.

They also told the natives that they have no land rights.

On 22 September last year, 42 *Kayans* who were arrested on 29 October 1987 by

the Royal Malaysian Police and discharged on 24 April 1989 when the prosecution withdrew all charges against them, filed a Writ of Summons against the Government. In their statement of Claim the plaintiffs asserted that:

- During their detention at the Marudi police station, they were subjected to severe and unwarranted interrogation.
- They were locked up in a single cell grossly inadequate to accommodate 42 people.
- Conditions in the cell were unhygienic. There was only one bucket toilet which was not cleaned. Human excreta flowed onto the floor of the cell.
- They had to sleep on the overcrowded floor and were allowed to wear only their underwear. They had to wear the same underwear for the entire duration of their detention.
- Food was insufficient and sometimes they were given food that had gone bad and not fit for human consumption.
- Several of them became ill and had to be treated at the Marudi hospital.
- Their wrongful imprisonment had deprived them of their fundamental liberties guaranteed by the Federal Constitution.
- The high-handed attitude of the police had caused them great humiliation and brought them into public ridicule and contempt.
- They also suffered from mental anguish and distress.

In view of the arbitrary, oppressive and baseless action of the police, the plaintiffs claimed damages from the government.

Ibans Imprisoned, Counsel to Appeal

The Magistrate Court in Bintulu sentenced eight *Iban* natives to prison and discharged another accused at the end of a trial on 3 August 1991.

The nine *Iban* natives namely Dana ak Chupong, Jana ak Gunggi, Tuai Rumah Senaon ak Entrie, Jubo ak Baong, Maling ak Sanggin, Anchai ak Jaroh, Jingan ak Budak, Jantai ak Jantung and Bungin ak Angki are all from Ruhmah Senaon Sungai Sangan, Tatau, Bintulu Division.

All the nine persons were arrested in early April this year following a series of protests by the native communities in the Sangan, Tatau area against the activities of a logging company, Shin Yang Sdn. Bhd. contractor to Kuba Jaya Sdn. Bhd. (licensee). They had claimed that the said logging company was encroaching onto their communal land and communal reserve over which they have established native customary rights. More than seventy people comprising men, women and children were involved in the protest then that finally led to the arrest of the nine persons.

Prior to the protests, these natives had tried to meet and negotiate with the relevant authorities and the company continued to encroach onto their lands. »Having no other choice we resorted to the protest without the slightest intention to cause harm to anybody«, said one of the accused persons, Encik Dana ak Chupong, who was discharged at the end of the trial.

All the nine accused were charged for criminal intimidation under Section 503 of the Penal code.

At the end of the trial on 3 August 1991, the Magistrate ruled that eight of the accused were found guilty of the offence and sentenced them to imprisonment. Jana ak Gunggi was sentenced to nine months while the remaining seven persons were sentenced to six months imprisonment.

In passing the sentence, the Magistrate remarked that such cases (disputes) are rampant and thus the penalty should serve as a deterrent factor. He further remarked that there are many ways such disputes can be settled but he did not elaborate.

The Prosecuting Officer for the case was ASP Inspector Anthony Sim while the defence was handled by Counsel Mr Antalai Sawin, from Miri.

Encik Dana ak Chupong said »I am only worried about the daily needs of the families of those involved, because those imprisoned are their sole breadwinners. As for their farms which need to be tended, the fellow longhouse folks will give a hand. I appeal to all concerned and sympathetic members of the public to give moral and all forms of support to the aggrieved families. My fellow folks are not jailed for stealing or doing bad things but for defending what is rightfully ours«.

Their defence Counsel Mr Antalai Sawin will be making an appeal against the decision to the High Court.

Kayans form Human Barricade

About 100 Kayan natives of Batu Keling community in Belaga District, Kapit Division, have been putting up a human barricade in upper Balui River since 29 July this year.

The community is protesting against the logging company, WTK Sdn. Bhd. and its contractor Carina Sdn. Bhd. for having encroached their Native Customary Rights (NCR) land. The logging company has also constructed a huge logging bridge across the Balui River which is just above the longhouses of the natives.

The loggers have been taking advantage of the dry season and logging has been carried out extensively.

The logging activities and the construction of the bridge has damaged the natives' forests, farm land, and temuda (fallow) land and created river navigation problems.

Prior to the blockade, the community had negotiated peacefully with the company on several occasions to demand for a fair and responsable compensation. But their requests were continually ignored. As the logging situation worsened, and the company continued trespassing onto their land the natives had no other alternatives but to protest against the company and loggers.

The company then lodged a police report and a police troop from Kapit was rushed to maintain peace and order at the blockade site.

Sarawak Native Women Speak Out »Our Plight has Worsened«

Recently some 20,000 lucky guests, overpowered by the aroma of 7,000 red roses, 1,000 specially imported from Singapore, wished a newly wed couple »happiness« and »good health«. It was the wedding of the year celebrated with much pomp, grandiose and extravagance.

But outside Kuching in the interior of Sarawak many natives are not happy. They are struggling with hunger, malnutrition, and sickness. Their land flooded, their crops destroyed, their water contaminated, they are angry and desperate.

»I have not been in good health for some time now...I have not been eating well«, said Urai Jau softly. »Often only rice and salt«, she added. This 37 year- old woman's thin frame spoke many decibels louder than her voice.

Another woman Atan Apun, a *Penan* from Long Buang chipped in: »We are poor people. We have lost everything.«

These women live in an area which has been logged - according to the authorities, logged »selectively« and »sustainably«. But what do women living in a selectively and

sustainably logged areas have to say?

Urai Jau is from Long Bemang, which is two hours by express boat from Marudi. You still have to travel for another half an hour by land cruiser to reach this Kayan long house. It has more than 100 doors with about 1,000 people living in it.

The company came and took what they wanted and left without paying a single sen to the people«, said Urai. »We are facing many problems now«, she lamented.

»If it rains heavily for one whole day, there will be floods. Sometimes the water level can rise to 4 feet. This year we have already had two floods. One in February and one in May.« said Urai.

»Previously although we had floods, it was never like this. The floods are more frequent now. With the forest gone, every time it rains heavily, we see the water level in the river rising very fast.«

»When the floods come the vegetables cannot live and our farms are destroyed. Before we were able to sell the extra vegetable and buy other food-stuff with the money. Now we are struggling to feed ourselves,« she added.

»Often my family and I just eat plain rice with salt. We have no money to buy other food-stuff.

»You come and look at the Apoh river now. It is so muddy and we have to use this water for drinking, cooking and washing.

The logging road goes through our land. When it rains, the exposed soil is washed into our farms.

We grow padi, cocoa, coffee, vegetables and fruit trees on our land. Th se get destroyed by the sand from logging roads,« she said with a mixture of anger and sadness in her voice.

Uring Anyie another native shared the same story: »The loggers came and went. Now we are left in poverty and with spoilt land. We never benefitted from logging. We feel cheated and robbed.

»Before the loggers came we were able to hunt wild boar for food. Logging frightened the boar away.

»So we started to rear pigs. But we found we had to feed our pigs when we ourselves don't get enough to eat. Now we buy pork at $ 10 a kilo.

»We grow vegetables and fruits for our own consumption. My farm has cucumber, kangkong, long beans, tapioca, bitter gourd, papaya, bananas and pineapples. But squirrels are a big menace on our farms now. Before we were not bothered by them. Maybe because the fruit trees in the forest has been destroyed by logging, so the squirrels and other pests come to our farm for food,« Uring related emotionally.

Penan people. Photo: Third World Network.

Both Uring and Urai said that the long house children's health has deteriorated. They are prone to two ailments - diarrhoea and skin decease. Is it any surprise?

The native in Long Bermang are lucky in half a sense that they don't have to travel many long hours to get medical attention. They have a small clinic manned by a staff of four in their longhouse. This clinic also serves many other longhouses.

»Several children have died of diarrhoea and cholera,« said Uring.

Uring herself is currently having a skin condition. She was given some ointment to apply. In her longhouse ointments are dispensed in a plastic bag – not in a container.

Atan Apun, a *Penan* woman from Long Buang is facing similar problems in her longhouse which is situated close to Long Bemang.

Atan is a farmer. She does not read nor write. But she knows that the weather is changing.

The rainfall and drought pattern is chaotic now. The floods have destroyed her farm and there is nothing she can do.

She may be illiterate but she knows it is logging that has disrupted her life and made her poor, hungry and susceptible to ailments.

»The logging road goes near my rice fields. Because of this the padi does not grow so well any more. The land is infertile now«, said Atan.

The sores on her legs well illustrate the other problems caused by logging activities. But how long will health clinics keeping dishing out medicines? It is of no use if the source of the problems is not arrested.

To overcome hunger and malnutrition, many natives have resorted to eating canned food. But canned food is expensive and the natives have very little money.

Canned foods that are expired, rusty and contaminated also find their way into the natives' homes. To a native, filling his stomach takes priority over quality and safety.

What future do Atan, Urai, Uring and the other natives have? Do we tell them about vision 2020?

Source: Utusan Konsumer no. 238. 8/1991. Penang. ❑

Orang Asli and Human Rights

By: Colin Nicholas and COAC (Center for Orang Asli Concerns)

Who are the Orang Asli?

The 83,000 *Orang Asli* are not a homogenous group. Anthropologists and administrators have classified them as belonging to 19 different ethnic groups, each with its own language and culture. The Orang Asli have equally varied occupations and ways of life. Apart from a small number who live in urban areas and are engaged in urban-type jobs, the majority of the Orang Asli still depend on their resource base for a living.

The *Orang Laut, Orang Seletar* and *Mah Meri*, for example, live close to the coast and are basically fishermen. Some Temuan, Jakun and Semai people have taken to permanent agriculture and now manage their own rubber, oil palm or cocoa farms. About 40 per cent of the Orang Asli population – including *Semai, Temiar, Che Wong, Jah Hut, Semelai* and *Semoq Beri* – however, live close to, or within forested areas. Here they engage in swiddening (hill padi cultivation) and do some hunting and gathering. These communities also trade in petai, durian and rattan to earn a cash income. A very small number, especially among the *Negrito/Semang* groups (e.g. *Jahai* and *Lanoh*) are still very mobile, preferring to move from one location to another in search of food in the forests.

Nevertheless, because of their status as the first inhabitants of this land, because their situation is one of general neglect and poverty, the Orang Asli should be accorded specific rights to correct the wrong that has been afflicted on them. And here we are referring more to the community rights rather than the individual rights.

In terms of fundamental human rights, the Orang Asli, as for the other Malaysians as a whole, come far from enjoying the various rights enshrined in the International Bill of Human Rights. In this regard, the Orang Asli suffer doubly because apart from the whole spectrum of unjust laws such as the Official Secrets Act and the Internal Security Act, the Orang Asli are restricted by an additional law: the Aboriginal Peoples Act.

A special Act for the Orang Asli

Originally enacted during the height of the Emergency in 1954, the Aboriginal Peoples Act served basically to prevent the Communist insurgents from getting help from the Orang Asli. It was also aimed at preventing the insurgents from imparting their ideology to the Orang Asli. For this reason, there are provisions in the Act which allow the Minister concerned to prohibit any non-Orang Asli from entering and Orang Asli area, or to prohibit the entry of any written or printed material (or anything that is capable of presenting a message).

More importantly, however, the Act laid down certain ground rules for the treatment of Orang Asli and their lands. And though formally revised in 1974, the Act remained virtually intact.

To be fair, the Act does recognise some rights of the Orang Asli. For example, it stipulates that no Orang Asli child shall be precluded from attending any school by reason only of his being an Orang Asli. It also states that no Orang Asli child attending any school shall be obliged to attend any religious instruction without the prior consent of his parents or guardian. But then these are normal rights enjoyed by all Malaysians. Nevertheless, these are about all the »special rights« that the Orang Asli enjoy under the Aboriginal Peoples Act.

In fact, for all intents and purposes, the Aboriginal Peoples Act treats the Orang Asli as if they were a people who are unable to lead their own lives and who need the »protection« of the authorities to safeguard their advancement and well being. Effectively, the Act accords the Minister concerned or the Director-General of the Department of Orang Asli Affairs (JHEOA) the final say in all matters concerning the administration of the Orang Asli. In matters concerning land, the State Authority has the final say.

The Right to Self-Determination

Orang Asli, like indigenous peoples elsewhere, seek the right to self-determination. By virtue of this right, they ask to be able to freely determine their political status and to freely pursue their own economic, social, cultural and spiritual development.

The situation of the Orang Asli in Peninsular Malaysia comes nowhere near to achieving this aspiration of self-determination. For example, the final say on the appointment of the village headman, traditionally decided upon by the community by consensus, now rests with the Minister. The Aboriginal Peoples Act also stipulates that the Minister, apart from enjoying the right to remove any headman from office, is also empowered to prescribe the qualifications of, and the method of appointing, any headman.

The headman also has no say as to who may or may not enter his village. That right now rests with the Director-General of the JHEOA or any police officer.

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They have the right to detain any person found in an Orang Asli inhabited place whose activities they believe are detrimental to the welfare of the Orang Asli – even though it may be that that person is there at the invitation of the headman or the community. In other aspects of Orang Asli living too, Orang Asli have no or very little to say. The decision to be resettled in a new location is often done without consultation with the Orang Asli, let alone with their consent. Even in resettlement schemes, the choice of commercial crops grown, or the economic activities to be undertaken, does not rest with the Orang Asli. Almost everything, it seems, is decided for the Orang Asli. The general feeling is that, after 41 years of direction first by the Department of Aborigines and later by the Department of Orang Asli Affairs, an unhealthy state of paternalism towards the Orang Asli has been created. The JHEOA sees itself as godparents to these »wards of the state«,taking care of the Orang Asli »from the womb to the grave«.

Occasionally, however, the Orang Asli seek to break away from this sense of dependency that has been ingrained in them. When this happens, at best it is scorned upon by the authorities, at worst they retaliate. For example, when a young Orang Asli woman started kindergarten classes for academically-weak children in her own village, the JHEOA reacted harshly and applied pressure – unsuccessfully – on her to have the classes stopped. In another instance, some Orang Asli in Johore, on their own initiative and with their own resources, had planted oil palm on their traditional lands. However, just as the trees were about to mature, the authorities swooped down on them and cut all the trees. The reason: the JHEOA had allocated land elsewhere and they were to be resettled there; their traditional lands being regarded as state land.

Cultural and Religious Rights

Orang Asli, too, have the collective and individual right to retain and practice their cultural and spiritual heritage. This right is enshrined in our Constitution. The Orang Asli, as such, should be protected from any act that has the aim or effect of depriving them of their integrity as distinct peoples. They should also be protected from any act that restricts or removes their cultural characteristics and identities. The uninvited imposition of other cultures or ways of life on them is an infringement of this right.

In some ways the JHEOA's policy of assimilation/integration impinges on the right of the Orang Asli to retain their own culture and identity. When first advanced in 1961 as a state policy, the aim was to integrate the Orang Asli with the Malay section of the community. It has since been restated as the »integration with the wider national society«. Although no forcible integration was to be adopted, the very existence of such a policy suggests the planned denial of the Orang Asli to their culture and identity.

This denial is clearly manifested in the fact that recent population censuses have begun to categorise Orang Asli as Malay. Also, in most government statistics today, the category »Orang Asli« is no longer present. And when it comes to filling government forms, most Orang Asli face a dilemma as to whether to tick »Malay« or »Others«.

Some Orang Asli have also expressed unhappiness with the Islamic proselytizing activities of the JHEOA. (While it is true that other religions, especially the Christians, are also actively proselytizing among the Orang Asli these groups however do not have the machinery and authority of the state to back their efforts. In any case, Orang Asli are generally able to ward off these efforts if they choose to).

Hence, contrary to the provisions in the Aboriginal Peoples Act, religious instruction is being given to Orang Asli children without the consent of their parents. There is at least one case where an Orang Asli minor was converted to Islam without the parents consent. And in South Perak, Orang Asli villagers are vehemently protesting against the planned construction of a surau-cum-community hall in their villages. They argue that they are not Muslims and as such have no use for the *surau*.

And only recently, the Deputy Minister in the Prime Minister's Department announced that 250 »welfare officers« were to be appointed to improve the position of the Orang Asli. However, strangely enough these »welfare officers« were to be trained by the Religious Affairs Division and the JHEOA.

Nevertheless, the imposition of dominant way of life aside, the greatest threat today to Orang Asli culture and identity is their dispossession from their traditional homelands.

Orang Asli have a close physical, cultural and spiritual relationship with the land. To them, the land is a living entity, with a spirituality and a sacredness all of its own. It provides assurances for their continued survival; it provides food, clothing, medicines, fuel, and all materials necessary for their existence. The land is also the classroom of their children and the resting place of the ancestors. It is the land, more than anything else, that gives life and meaning to their whole being; for it is in the land that they history and identity are contained. It is also the land that ensures their viability as an independent people, and provides for their social and cultural development. The Orang Asli, therefore, not only have a material dependence on the land but they also share a spiritual relationship with it. Despite all this however, Orang Asli are guaranteed no rights whatsoever to their lands under the Aboriginal Peoples Act.

Orang Asli and Land Rights

While the Act provides for the establishment of Orang Asli Areas and Orang Asli Reserves, it also grants the State Authority the right to order any Orang Asli community to leave – and remain out of – an area. In effect, the best security that an Orang Asli can get from the government is one of »tenant-at-will«.

That is to say, an Orang Asli is allowed to remain in a particular area only because of the big-heartedness of the State authority. At any time the State wants the land back, it can revoke the status of the land and the Orang Asli practically has no other legal recourse. To make matters worse, in the event of such dispossession occurring, the State is not obliged to pay any compensation or allocate an alternative site. This is provided for in the Aboriginal Peoples Act.

To further aggravate the problem, only about 17 per cent of the 667 Orang Asli villages are gazetted as Orang Asli Areas or Reserves. This means that the majority of Orang Asli villages are technically on state land, though the Orang Asli themselves would not concede to this classification of their land. Efforts at gazetting the remaining Orang Asli lands have been sluggish, to say the least, since the 1960s –

this despite repeated applications by the Orang Asli to the State, and despite repeated requests to the JHEOA to follow-up.

This insecurity over the tenure of their lands has resulted in many Orang Asli communities losing their lands to government land schemes, private plantations, mining concessions, highway and dam projects, housing projects, recreation areas, new townships, sites for universities and various other forms of »development«. In most cases, the Orang Asli are resettled in regroupment schemes, where even here there is no permanent security of tenure. The Orang Asli in Temerloh, for example, are now worried as there is talk of them having to resettle to a new place yet again – but this time further inland.

The examples of Orang Asli dispossession from their lands are numerous. For one, there is the case of the Orang Asli community at the 6th mile Cameron Highlands Road. With help from the JHEOA, they planted rubber and fruit trees in their traditional lands in 1974. In 1979, neighbouring villages applied for part of the Orang Asli land, and got it. When the Orang Asli protested, they were told by the Assistant District Officer to move out because the area was now »Malay land« and that they were staying there illegally. After much confrontation and negotiation, extremely low compensation at $2 per rubber tree, $60 for each mature durian tree and $20 for each petai tree was offered. However, till today, some of it is still not paid. The tenure of the remaining rubber trees and orchards of the Orang Asli are just as insecure since only 0,6 hectare of the land belonging to the 40 Orang Asli families have been gazetted.

In another case, in Bidor, part of the land of the Orang Asli have been taken over by a tin mining company. Then without notice nor consultation, a large portion of the remaining land was cleared by the authorities to make way for a Felcra project. Many fruit trees belonging to the Orang Asli were destroyed, despite assurances by the JHEOA that it would not happen. And the Orang Asli are not assured of any kind of compensation. To make it worse, they were asked by the JHEOA to move to another area further inland.

When asked why they had to move, the JHEOA officer said that it was not advisable to stay in the old area since the land is too small for them. Besides, he added, the Orang Asli might grow crops in the area, and will cause inconvenience to Felcra by using their roads. Hence the irony of it all: someone takes away your land and leaves a little for you – and then tells you to move because the land is too small for you!

It is not surprising, therefore, that a common complaint among Orang Asli these days is that the authorities are insincere in their oft-repeated call to the Orang Asli to settle permanently in one area rather than move from one place to another. This is a myth, they say, because Orang Asli generally have begun to live in settled communities but it is the authorities instead who are forcing them to move from place to place!

Furthermore, it is precisely because the lands of the Orang Asli are not gazetted or titled that a host of other problems arise. Loggers get their concessions from the state authorities, leaving the Orang Asli totally in the dark about the deal. Non-Orang Asli enter their lands and steal their petai and durian fruit claiming that the trees were planted by the bears and tigers, and that the forest is »no man's land« and hence is a »free-for-all«. And the Forest Department habitually issue licences to non-Orang Asli stipulating that no such licenses shall be issued to persons not being Orang Asli normally resident in the area.

Thus, as long as the authorities continue to deny the Orang Asli their rights to their lands, as long as the authorities continue to displace them from their traditional homelands, the Orang Asli may well be victims of cultural obliteration.

Making Amends

This is not to say that the government has not done anything for the Orang Asli. It is widely acknowledged that there has been some progress, especially in the fields of education, health and agricultural development, which can be attributed to the efforts of the JHEOA. However, these are rights which are now taken for granted by other communities. Furthermore, after four decades of direct intervention by the authorities into Orang Asli Affairs, one would expect this to be the very minimum of accomplishments.

Of more urgent need today is the introduction of new laws and/or the amendment of the Aboriginal Peoples Act that

Book Received

Philippines: Cordillera Resource Center for Indigenous Peoples Rights: *Special Report on the Antamok Gold Project.*

The Antamoc Gold Project is an open pit mining project in Itogon in the Cordillera, Philippines. The project will entail the economic displacement or outright physical dislocation of thousands of persons – people whose lives are dependent either on income derived from small-scale mining or agriculture.

The indigenous peoples in the area have been oppsoing the open pit activities of the mining company, Benguet Corporation, as these continue to destroy their lands and their main sources of income. Traditional mining has been done in Itogon even before the Spanish colonial period.

(The report is available from Cordillera Resource Center for Indigenous Peoples Rights, Rm. 314 Laperal Bldg., Session Road, Baguio City, 2600 Philippines).

will guarantee the Orang Asli their right to self-determination and their right to retain their cultural identity and way of life. The purpose of the law must be not to obliterate the Orang Asli but to devise political, social and legal means of protecting them from falling apart – and so destroying the plural society of which they are members.

When considering the well-being and advancement of indigenous minorities such as the Orang Asli, there are two international covenants which deal directly with indigenous peoples: Convention 169 of the International Labour Organisation and the Universal Declaration on Rights of Indigenous Peoples. There are some shortcomings in these documents but the overall thrust is in line with what has been discussed above. More importantly, however, the various views and demands expressed by Orang Asli leaders in the past should be given full consideration as should their current concerns. Only then can we begin to return the rights that have been robbed from them.

Orang Asli and Society: Update on Current Issues

Insecure before, more so now

Recent amendments to the Land Acquisition Act 1960 make the precarious position of the Orang Asli vis-a-vis their tenure over their traditional lands even more insecure. The Aboriginal Peoples Act – enacted to provide for the »protection, well-being and advancement« of the Orang Asli – provides for the creation of aboriginal areas and reserves but at the same time allows the state to repossess these lands, with ease and without any compulsion to compensate.

The 1991 amendments to the land Acquisition Act however makes it even easier for the government to acquire Orang Asli lands. In the new Act, the test of public utility or public purpose has been removed. As long as the new purpose of the acquired land is beneficial to the »economic« development of Malaysia or any part of it, whether to the public generally or to any particular class of persons, the land can be acquired compulsorily.

Further, it cleverly allows that subsequent disposal of the land (for perhaps a personal or non-beneficial purposes?) will not invalidate the acquisition. Also, the compensation paid is based on the market value of the land (at the time of acquisition) and not its potential market value. The original owners of the land as such will not benefit from land value appreciation when the land is reclassified for commercial or industrial use.

One of the first cases where Orang Asli will be victims of this Act is the planned acquisition of Orang Asli lands for the second KL international airport.

Not in the plans?

The Second Outline Perspective Plan (1991-2000) and the Sixth Malaysia Plan (1991-1995) were launched recently – »to move Malaysia one more stage toward the goal of a developed nation«. In both documents, the Orang Asli are mentioned in just a single place each. This is in reference to the fact that although all communities have progressed since 1970, certain groups such as the Orang Asli (and the indigenous groups of Sabah and Sarawak) have lagged behind. Despite this recognition, however, there appears to be no specific plan to reverse the situation for the Orang Asli. There are no assurance, for example, that Orang Asli lands – a key determinant in Orang Asli progress – will be legally recognized as being theirs to develop and use. ❑

NEGRITOS		SENDI		PROTO-MALAY	
Kensiu	135	Semai	19.744	Temuan	12.361
Kintaq	107	Temiar	12.949	Semelai	3.256
Jahai	869	Jahut	2.819	Jakun	11.163
Lanoh	229	Che Wong	296	Orang Kanaq	37
Medriq	144	Mah Meri	1.778	Orang Kuala	2.398
Bateq	958	Semoq Beri	1.800	Orang Seletar	1.006
	2.442		39.386		30.221

Orang Asli Population, 1989.

Sudan:

Destroying Ethnic Identity

The Secret War Against The Nuba

Over the last few years the peoples of the Nuba Mountains of southern Kordofan have been suffering the combined effects of the cruelties of the army, government-sponsored militias and Sudan People's Liberation Army (SPLA). These groups all have different aims and methods, but the combined effect has been to turn the once peaceful and prosperous Nuba Mountains into a battlefield where villages are destroyed, people driven from their land, community leaders rendered powerless or assassinated, and increasing numbers of civilians killed. There is evidence that suggests that community leaders and the class of small educated Nuba are special targets of a government campaign of elimination. While large scale massacres are rare, the steady war of attrition is likely to lead to the destruction of the society and culture of Nuba, together with its economic and political vibrancy.

At the time of writing, no news is available from the Nuba Mountains. This is because the entire area has been sealed off for a large military operation undertaken by the army, ostensibly against the SPLA. Previous military actions have resulted in large numbers of civilian deaths, and there is no indication that the army has changed its methods. Before the Nuba Mountains area was closed in mid-October, there were frequent reports of disappearances and killings.

Recent Atrocities

Africa Watch has learned of widespread arrests and suspected killings of civilians in the provincial capital, Kadugli, in late September and early October. The full details of the incident remain unclear, in part because of a systematic government effort to prevent news from the area reaching the outside world.

According to reports, the arrests were sparked by a military engagement on September 25. A convoy of the Popular Defence Forces (PDF; paramilitaries organized by the government, see below) had left Kadugli, when it was ambushed by a unit of the SPLA at al Sha'ir junction, about ten miles from the town. Several members of the PDF were killed, including the commander and two officers. Eight members of the SPLA were reported dead. Following the engagement, about one hundred civilians in Kadugli were arrested by military intelligence and the PDF, on suspicion of being members of an SPLA »fifth column«. One of those arrested was Mirghani Kafi, a senior male nurse. Previous detainees held by PDF and military intelligence have been subjected to torture or execution, often they have simply »disappeared«. Africa Waatch fears that many of these detainees will have been tortured or killed.

This is only the most recent of a long line of such disappearances. In August, a previous round of disappearances culminated when it was reported that at least 44 Nuba men had been detained by military intelligence in Kadugli town and taken to Dilling. They were all educated, including ten teachers, and were detained on the suspicion of supporting the SPLA. They were reported to have been subjected to torture. Seven are known to have survived, but the remaining 37 »disappeared«. A list of names is given at the end of this newsletter.

The citizens of Kadugli demanded to be told the the whereabouts of the missing 37, and the then-Governor, Abdel Wahab Abdel Rahman, was asked by Brig. Ibrahim Nayal Idam, a Nuba military officer serving the government, to account for them. He has failed to do so. (1)

In addition, there are reliable accounts of tens of people being taken by truck from villages including al Shatt, Katcha and Kurungu. In another incident, a wedding party was intercepted close to Kadugli town, and the men killed and the women abducted.

These abuses are occurring in the context of an almost complete lack of juridicial, administrative or political safeguards for the rights of the Nuba people. In common with other Sudanese citizens, they are ruled by a military government which has imposed a nationwide state of emergency, has invested the army and security forces with a wide range of arbitrary powers, and which regularly flouts basic human rights. There is no independent judiciary, no right of protest, and no form of elected representation in government. The Nuba are particularly disadvantaged because the last few years have witnessed a systematic campaign aimed at removing ethnic Nuba from juricial, administrative and security posts in the Nuba Mountains and elsewhere. Consequently, all the major positions of authority in the Nuba Mountains are held by non-Nuba, including many representatives of the Sudanese Arab groups that are currently in conflict with the Nuba. The abuses against Nuba villagers are therefore committed with complete impunity. There is evidence that this is part of a wider campaign aimed at depriving the Nuba of its leadership, by removing educated people and denying educational opportunities to the younger generation of Nuba.

Background to the Nuba

Nuba number about one million. Their traditional home is in southern Kordofan, which is part of northern Sudan, and almost the exact geographic centre of the country. Despite this central position, they are a marginal group.

»The Nuba« is a term which encompasses what the anthropologist Siegfried Nadel described as a »bewildering complexity« of ethnic groups. (2) The late Roland Stevenson, a noted linguist of the Nuba, identified more than fifty languages and dialects clusters, falling into ten groups. (3)

The traditional cultures of the Nuba include indigenous religions, many of which now survive only as vestiges. These traditional cultures involved a variety of forms of social organization. Well-known aspects of the cultures included music, dance, body-painting and ritual wrestling. Christian missions were successful in converting a small but influential number of the Nuba; a larger number have become Moslems.

After British occupation in 1900, the Nuba attempted resistance, which proved futile. They remained peripheral to the main currents of Sudanese politics, following neither of the main Arab-dominated northern parties, and not belonging to the intermittently seperatist South. In the 1960s, the Nuba Mountain Federation, headed by Father Phipip Ghabbush, was briefly succesful in winning seats to the Constituent Assembly on a regionalist platform.

The Nuba are mostly farmers, though they also own livestock as well. The mountains are fertile, and the area was little affected by the drought-famine of 1983-5. Since the 1950s, increasing numbers of Nuba men have become migrant labourers in Khartoum and on the farming schemes of central and eastern Sudan, leading to processes of partial cultural and economic integration into the dominant Sudanese Arab identity.

However, Nuba identity is in part defined in opposition to the other main inhabitants of southern Kordofan, the Sudanese Arabs. These groups are traditionally cattle-herders, known as Baggara. While western parts of the province are solely inhabited by the Baggara, they have also moved and settled among the Nuba themselves. The Baggara have been more closely connected with the centre of political power in Sudan; they were loyal supporters of the 19th century Mahdi, and during this century have remained an influential part of the neo-Mahdist Umma Party, of which the former Prime Minister Sadiq el Mahdi was leader. Their combination of Arab identity, fervent Moslem faith, military prowess, and strategic location along the north-south internal boundary in Sudan has also made them prized allies of the fundmentalist Moslem Brothers, who now wield power in the present military government.

Nuba-Baggara conflict has been a feature of southern Kordofan for generations, involving competition over pastures, wells, markets and positions in the local administration. Traditionally, the extent of this conflict has been constrained by the low level of military technology, which was equally available to both parties, and by the economic inter-dependence of the two communities. The Baggara needed to buy grain from Nuba villages, while the Nuba relied upon livestock products and trade supplied by the Arabs. There was also limited intermarriage.

During the 1970s, the political atmosphere in Sudan was favourable to the Nuba. The 1972 Addis Ababa agreement which brought the first civil war to an end removed an important source of tension in the Nuba Mountains, and President Nimeiri's early promise of a secular, multicultural and economically developing Sudan appealed to the Nuba people. It was a decade of hope, in which social services were provided and development schemes were started. in 1978, the provincial capital, Kadugli, was selected to host the national independence Day celebrations. The title of an anthropological study researched during this period, »National Integration and Local Integrity« (4), captures the optimistic anticipation that the future of Sudan would see a fruitful combination of socio-economic development and the retention of traditional ways of life.

The Start of the War

The hopes were to turn to tragedy: warfare, mass displacement and famine. The seeds for this disaster were sown in the early 1980s, with economic crisis and political confrontation. President Nimeiri turned increasingly towards political Islam, polarizing the country between his erstwhile secular supporters, particularly in the south, and the militant Islamists. The SPLA was formed in the south in 1983, but with a programme aimed at maintaining a united but transformed Sudan. From the outset, the SPLA aimed to obtain support among radicals and marginalized peoples in the north, and began to recruit in the Nuba Mountains.

The SPLA made its first incursion into the NUBA Mountains in 1985. An SPLA unit attacked the Baggara village of Gardud in the eastern Nuba Mountains, reportedly killing over 100 armed and unarmed Arabs. This attack quickly became notorious and the subject of much rumour and speculation. The true details remain obscure, but in response the gov-

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ernment (then the Transitional Military Council headed by Gen Suwar al Danhab) began to arm the Baggara tribes in a systematic manner. In the Nuba Mountains, the Misiriya Zurug and the Hawazma were the main beneficiaries of this Baggara militias, generally known as Murahaliin. The Muraliin were primarily intended as a pro-government force against the SPLA in the south and its mainly Dinka sympathisers, but also had the aim of guarding the Nuba population, whose loyalty was considered suspect. Nuba community leaders consistently opposed the policy of arming the Baggara, insisting that security problems in the area should be solved by an increased police precence. Many community leaders also voiced their opposition to the SPLA, which they anticipated would bring only trouble to the area.

The newly-armed militia began small-scale raiding of Nuba communities immediately. From late 1985 there are reports of cattle-raiding and a few incidents of killing of Nuba farmers. The local police force, outgunned by the Murahaliin, were unwilling to intervene. In the April 1986 elections, there was a substantial Nuba vote for the Sudan National Party, headed by the veteran Rev. Philip Ghabbush, which underlined the political alienation between the Nuba and the dominant sectarian parties. Thereafter, the government began – slowly at first – to transfer Nuba magistrates, policemen and administrators away from the Nuba Mountains. Most of the judicial, administrative and security posts were taken by non-Nuba, mostly Arabs. By 1990 military intelligence, the most active element of the security forces, was reported to be staffed exclusively by Baggara and other Arabs.

There was a marked escalation of the war in July 1987, when an SPLA unit infiltrated the Nuba Mountains. This unit, known as the New Kush Battalion, was headed by a Nuba commander named Yousif Kowa Mekke, and had a majority of Nuba members. Its intention was to stay in the eastern part of the Nuba Mountain and take the guerilla war into Kordofan. The SPLA unit quickly occupied the area around Talodi, and began recruiting Nuba youths, sometimes by force, and by late 1988 it was estimated to number 3000 men. It also systematically assassinated and kidnapped community leaders and government officials who refused to cooperate. Chief Hussein Karbus and Chief Ismail Ali Jiger of south Delami were among those killed, and Mek Hamid Nira and Imam Ali Abdalla of Abri were among those kidnapped. Some traders were also ambushed and killed. Thousands of farmers fled to the towns -there were estimated to be 52,000 displaced in March 1988. Local people appealed to the police for assistance, but short of significant government or military intervention, there was little that could be done.

The government response was to continue the arming of the Baggara militias, who were able to intensify their raiding with impunity. During 1988, the Misiriya branch of the Murahaliin was re-organized into a paramilitary force, known as Popular Defence Force. This occured on the direct instructions of the ruling Umma Party, without authorization by the Constituent Assembly, which considered the creation of such forces to be highly controversial. Financial support, weaponry and training were provided to the militia by the provincial administration and security. In February 1988, the General Union of Nubas accused the militia of killing 13 civilians, and refusing requests to pay compensation. In July 1988, 88 were killed and 13 reported missing after another militia attack on the village of Om Dorein.

The army and military intelligence began to arrest and execute Nuba individuals suspected of sympathising with the SPLA. In July 1987, Mohamed Toto Kowa, the Chief of Lagori village was arrested, and later executed. Two youths from Abu Hashim village were arrested and executed by the army in August. At least 20 civilians are known to have been killed by the army in November 1987, and many more were detained without charge. Further killings occurred in 1988, including two men kept as captives by soldiers following an attack on the village of Tumbala, in the Otoro hills.

In 1988, some of those detained were members of a semi-clandestine Nuba organization known as »We, Kadugli«. Thirty-nine alleged members of this group, including Haroun Kafi, a Member of Parliament, were arrested in July 1988. One detainee, Ramadan Ajabna, died in detenion, reportedly from dehydration, though no doctor was permitted to perform an autopsy. The then-Governor of Kordofan, Abdel Rasoul el Nur, alleged that the organization's purpose was recruiting for the SPLA. Some of the detainees were released after three weeks and about 30 were detained until the 1989 coup d'etat. Another target was members of Christian churches. In May 1988, six Christians were detained for allegedly opening a church at Tuleishi without having obtained an official licence. (5)

In some cases, Nuba policemen and lawyers asked questions and launched enquiries about the killings. None of these, however, met with succes, and on at least one occasion, a magistrate was successfully prevented from acquiring evidence about the execution of eight civilians near al Gohan in December 1987 (6).

The 1989 Killings

was to prove the bloodiest year to date in the Nuba Mountains. Both before and after the coup d'etat of June 30, there were killings by the militias, army and SPLA, and a political crackdown.

In January, the SPLA began to advance close to Kadugli town, overruning police posts. The militia and army suffered an important defeat at Korongo Abdalla, the first time the SPLA had been active that close to the provincial capital. In retaliation, the militia killed some civilian residents of the town in April. In April, SPLA units infiltrated Tuleishi, despite the officially-declared ceasefire, its first major incursion into the western hills. The SPLA regularly killed civilians throughout the year. For example, in an attack on el Melaha area on November 13, six civilians were killed and three wounded.

Meanwhile, the remnants of the southern-based anti-SPLA militia, Anyanya 2, were transferred to Kadugli, where they soon acquired a reputation for ruthlessness in policing the town. In April, over 200 Nuba, including many members of the Sudan National Party were detained, and several summarily executed.

Attacks by the Murahaliin increased in frequency and savagery. Documented killings occured in April and May, usually in the context of cattle raids. The Arab herders also became increasingly aggressive in their behaviour. For example, there are reported incidents of herders taking their cattle onto Nuba farms, and even slitting open sacks of grain to allow the animals to eat. Nuba villagers reported some of the more well-known robbers to the police,

who repeatedly failed to take action. After about 100 cows were stolen in raid on the village of Serif in June, some raiders were arrested, but soon released after the intervention of militia leaders.

The first actions of the Revolutionary Command Council (RCC) of Gen Omer al Bashir were encouraging to the Nuba. In Particular, the release of detainees in Kadugli, the promise to disarm tribal militias, and the appointment of an ethnic Nuba, Brig Ibrahim Nayal Idam, as security advisor to RCC, were welcomed. However, the change in government soon turned sour. Despite the ceasefire then agreed between the government and the SPLA, fighting continued in the Nuba Mountains. The SPLA continued to attack small police and army posts, and in late July the army used heavy weapons to bombard SPLA positions. In October, there was a high level meeting between members of the RCC and militia leaders from Kordofan, leading to the promulgation of the Popular Defence Act, which in effect legitimized the Murahaliin (7). Shortly afterwards, Brig Ibrahim Nayal was demoted to the portfolio of youth and sports, though he has remained in government since and has reportedly intervened on several occasions to protect Nuba interests.

During the parliamentary period, the Sudan Bar Association and the newspapers »The Sudan Times« and »al Medan« campaigned on behalf of the rights of the Nuba. Following the coup, the Bar Association was dissolved and the newspapers shut down.

The promulgation of the Popular Defence Act was immediately followed by a spate of militia raids, sometimes in conjunction with the regular army. Kadro and Koholyate villages were burned by a joint army-Anyanya 2 force, and one woman was killed. Nine southern farm laboureres were killed at Kortalla by militia.

One of the worst incidents occured at el Lagawa, which lies at the western extremity of the Nuba Mountains, at the end of October 1989. A large group of Misiriya Zurug militia were harassing local Nuba and Daju (8) villagers, on the pretext that the SPLA was in the area. Investigations by an army unit found no trace of the SPLA. There had, however, been intermittent fighting between the Arabs and Nuba since August in nearby areas, partly sparked by the SPLA infiltration into Tuleishi. Major Mohamed Ibrahim Kabbashi, in command of the unit, decided to convene a local peace conference in order to settle the local dispute that was undoubtedly the principal cause of the conflict. On October 27, the last day of the peace conference, as the army unit was about to withdraw, the militia attacked the village of Kamda Nuba, killing seven villagers. The army unit tried to intervene, but succeded only in diverting the militia's attention to el Lagawa and neighbouring villages. Over the followingten days, 20 villages were burned and looted, including Tima, Tamour, el Balool, Saada, al Trorougand al Daju. In total, 98 villagers were killed and 21 seriously injured. 3,000 people were left homeless. On November 6, the militia forces used mortars to attack the village of Nimr Shago. The destruction was halted only when Major Kabbashi – quite exceptionally – ordered his men to open fire on the Murahaliin.

On November 10, 1989, the militia killed 14 civilians at al Darangas and al Harazia villages.On November 12, another 14 were killed be the Hawazma militia at Sabori and Labori villages. Other killings occurred at ed Doud (five killed), Walid Dajor (two girls killed), el Rousaris (four killed), Tedo (16 reported killed), Kawalib, Kalogi, Walli, Shatt el Safya, Korongo, Shatt el Damam, Miri, Om Dorein, Lima and Hibran. There were reliable reports of individuals being mutilated, either before or after being killed, an exeptional practice in Sudan. Thousands of villagers fled to Kadugli, where there were an estimated 60,000 people by early 1990. There was a widespread belief in the Nuba Mountains that the Murahaliin were aiming to Burn Nuba villages and drive the people away so as to settle the areas themselves.

Even in Kadugli, killings continued. There is a report that militia tied up seven Nuba people on theeastern outskirts of thetown and killed them.

For the most part, thearmy collaborated with the militia in the campaign against the Nuba. Areas where there was suspected SPLA activity were sealed off, and people travelling to and fro were detained. A number of merchants disappeared after being held in custody, suspected of supplying goods to the SPLA. As a result of the harassment of traders and the deliberate cutting of official rations, basic commodities were becoming increasingly scarce in many Nuba areas. Goods such as tea and sugar became unavailable in shops, medicineds became unavailable in clinics, and schools were closed down.

Elimination by Attrition

pattern of violence has become well established.Throughout 1990 and 1991, a characteristic setof abuseshas been committed by both sides. The SPLA has typically raided villages for food, kidnapped or forcibly conscribed youths for military service, kilæled civilians it suspects of lack of sympathy, and engaged in indisciminate violence against civilians during raids and military engagements. The Murahaliin have continuedto engage in raiding, particularly of peripheral villages There are indications that some members of the Muhraliin covet the Nuba Mountains, and intend to see much or all of the indigenous population removed, to make way for Baggara settlement.

Since 1989, the main escalation of abuses has been associated with increased activity by the army and military intelligence. As described at the beginning of this newsletter, the middle of 1991 saw an upsurge in violence against Nuba civilians by the army and military intelligence. The main targets have been young educated Nuba men. Some Nuba believe that the army has drawn up lists of all educated people, whom it plans to kill.

In early 1990, im Teimin el Saraf al Akhdar and Kallandi, the army and PDF detained at least 18 Nuba men, and killed at least six. Those killed included:

- al Sheikh Sayed Sharra
- al Sheikh Jibril Tabalo
- Soubahi Malkal

In April 1991, the PDF is reported to have detained two men, Jibril Salah and Jibril Sendica, imprisoned them without adequate food, severely beaten them and finally killed them.

1 Abdalla Alla el Jabou, teacher
2 Abdalla Gado Mado;
3 Abdalla Kafi;
4 Abdalla Khalil Hamid, member of Kadugli Town Council;
5 Abdel Rahim Jadalla;
6 Abu Zeid Shalal Kow;

7 Ahmed Badawi, Kadugli public works employee;
8 Ahmed Suleiman, Nuba Mountains Agricultural Cooporation employee;
9 Ahmed Yosif Mohamed Kowa;
10 al Niel al Karama, transport agent;
11 Ballal H. Toutou, teacher;
12 Bereir K. Bakheit, teacher;
13 Hamdan Hassan Koury, from Lagori, lawyer,
14 Hassan Kaoury Bagari, prison officer;
15 Ibrahim Gadir Bek, hospital clerk;
16 Ibrahim Marmatoum, emp. of the Water Coorporation;
17 Ibrahim Tiaa Ali;
18 Ismat Hassan Khair al Sid, teacher at Kadugli High secondary School;
19 Issa Kannadow;
20 Kamal Kano Kafi Haloof, radio technician;
21 Mohamed Abdalla Gornas, agricultural research department employee;
22 Mohamed Mekki Kuku, Kadugli public works employee;
23 Mohamed Nawar Aso, a dentist;
24 Mohamed Suleiman »Lagawa«;
25 Mohamed Yahya Ismail, an intermediate school teacher;
26 Moheieldin Tiaa Abdel Gadir, driver;
27 Mouzamel Dabyo Zaid, textile worker;
28 Musa Ismail Abdel Gadir;
29 el Nur Ismail, teacher;
30 Osman Adam Ali, farmer;
31 Rajab Adam Mohamed;
32 Ramadan Adam, teacher
33 Saboun, teacher at Kadugli secondary School;
34 el Sayed Ismail Kano, teacher;
35 al Sir Abdel Nabi Malik, employee of the Soil Survey Department;
36 el Sayed Ismail Kano, teacher;
37 Yousif Galdagoun, from Dilling, teacher at Kadugli High secondary school;
38 Yousif Kamdo;
39 Zakaria Mihamed, trader;

In September 1990, military intelligence began detaining educatedNUba men. Thiscrackdown intensified in early 1991, and many of the detainees subsequently »disappeared«. A partial list of the disappeared includes:

Institutional discrimination against the Nuba has continued, as has de facto discrimination because of the running down of the service and economic infrastructure of the area. It is now more difficult than ever for Nuba villagers to obtain essential supplies, including medicines, and most of the schools in the area are closed. The main hospital at Kadugli is used principally for military casualties.

During 1990 and 1991, famine has affected the Nuba Mountains, on account of drought, the destruction of villages, cattle raiding, and disruptions caused to food production and marketing by the war. The Nuba Mountains does not lie high on the agenda for food distribution by the government, however. The food relief provided to date has not been adequate, and many Nuba villagers have been reduced to surviving on wild foods and the residue left after processing groundnuts for oil, known as »umbaz« (which has recently earned the local name »Saddam's biscuits«).

Following the attempted coup d'etat in the SPLA by commanders Riak Mashar and Lam Akol, which succeded in splitting the movement between their followers and the supporters of the previous leader Col John Garang, there was also dissension in the SPLA ranks in the Nuba Mountains. According to the Riak-Lam camp, Yusef Kowa's deputy, Awad Abdel Karim Kuku, deposed Kowa and declared his support for the overthrow of Garang. This claim was disputed by Garang's camp, which said that both men had remained loyal. Whatever the truth, the split in the SPLA leaves the New Kush forces in the Nuba Mountains in a very vulnerable position. Their supply route is through Upper Nile, which is controlled by the Riak-Lam group. However, that group favours secession for the south, which would leave the Nuba Mountains in northern Sudan. For that reason, it is unlikely that the Nuba supporters of the SPLA would favour secession.

The Future

The future of the Nuba looks very bleak. The Nuba people have suffered from being in the front line of Sudan's civil war for more than four years, and face the prospect of losing on all sides.

Should the south secede, or implicitly abandon the Nuba Mountains, the fate of the Nuba would lie at the mercy of the government in Khartoum. The current government in Khartoum is committed to building an Islamic state, emphasizing Arab identity, and not tolerating any deviance from its political, cultural or religious agenda. This leaves no room for the heterogenous cultures of the Nuba, particularly those Nuba minorities who practice Christianity or traditional religions. As a social and cultural anomaly, especially one associated with an armed rebellion, the Nuba would be ripe for heavy-handed intervention.Any rebel forces in the area would be in a militarily hopeless position.

There is no prospect of the physical elimination of the Nuba. What is likely, if present policies continue, is their further marginalization. Most of the Nuba may end up as agricultural labourers or migrants in semi-urban shanty towns. The formerly rich and varied Nuba cultures may become eradicated, to be replaced, not with a »modern« culture of educated people integrated into a national Sudanese society and economy, but with a subclass of displaced people, driven from their homes, deprived of their traditional way of life, and denied education or advancement unless they adopt the language, cultural traits, and political and religious norms of a dominant group which will never fully accept them as equals.

NOTES

(1) Abdel Wahab Abdel Rahman has since been promoted to be Minister for Services in the Kordofan State (previously Regional) Government.
(2) S.F. Nadel, »The Nuba«, London, 1947, p. 2.
(3) R.C. Stevenson, »The Nuba People of Kordofan Province«, Khartoum, 1984.
(4) Gerd Bauman, »National integration and Local Integrity: The Mir of the Nuba Mountains of Sudan«, Oxford, 1987.
(5) Obtaining such a licence is lengthy and expensive, and applications are usually turned down. No official permission is needed to open a mosque.
(6) Amnesty International, »Sudan: Human Rights Abuses in the Context of Civil war«, December 1989.
(7) Documents obtained by Africa Watch indicate, however, that an office with the name »Headquarters, Popular Defence Force« existed in Kadugli before the promulgation of the Popular Defence Act, and that the office was also used by Military Intelligence.
(8) The Daju are a small, non-Arab ethnic group found in southern Kordofan and Darfur.

Source: Africa Watch, December 10, 1991

❑

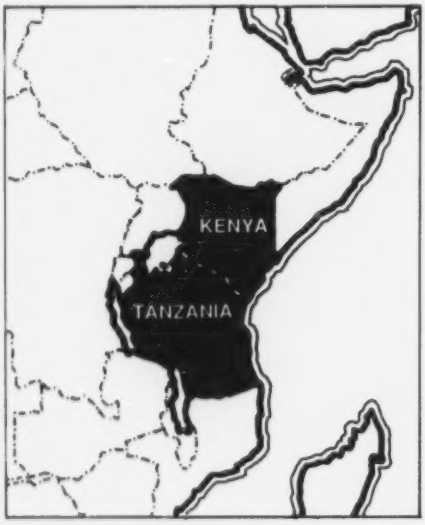
First Maasai Conference on Culture and Development

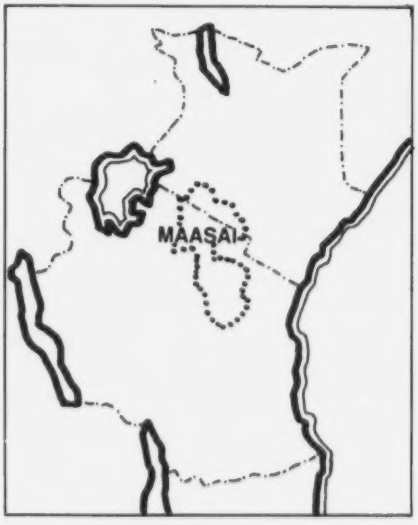
By Saruni Oitesoi ole-Ngulay

1.1 The Setting of the Maasai Community of Tanzania

1.1.2 The *Maa* Community (that includes *Illmaasai, Ilparakuyo* and *Illarusa*) of Tanzania held its First Maasai Conference on Culture and Development, from 2-5 December 1991, at the New Arusha Hotel, Tanzania. The Conference was preceded by a Women's Cultural Exhibition on 1.12.91.

1.1.3 This Community, with the exception of their cluster of Illarusa constitutes the largest single marginalised group in the country. Their hold on cultural pride to the sacrifice of development, amongst others, is seen to be one of the reasons contributing to this marginalisation.





1.1.4 The Conference, whose theme was on »Modernity and Tradition: Conflicts or Harmony?« attracted over 180 delegates from within and outside the country. They included Maasai cultural resource participants (traditional leaders), dialogue participants (educated Maasai), Government and Party officials, Church leaders, Development Workers and other social scientists. It was sponsored by the Institute of Development Studies, University of Helsinki, Finland, the Danish International Development Agency (DANIDA) and by the Swedish International Development Agency (SIDA). The latter's Ambassador to Tanzania, Mr. Anders Oljelund, attended the last part of the Conference.

1.2 Aims and Objectives of the Conference

1.2.1 The Conference aimed at looking into the Maa-people's cultural dilemma brought about by the forces of modernity versus tradition and to provide pertinent guidance for the days ahead. It wanted to look at our yesterdays, which have important lessons on how we look at today, and how we see possibilities for our tomorrow.

1.2.2 The aims and objectives of the Conference, therefore, were:

(1) to stimulate, educate and enlighten the Community, to understand their present predicaments through exchange of views, ideas and experiences, and

(2) to pinpoint, examine and critically analyse factors or forces contributing to this predica-

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DAS

Maasai in Southwestern Tanzania, Usangu Plains
Photo: Jens Dahl

ment, and give out corrective measures.

2.1 Three Problem Areas

In pursuit of these objectives, the Conference was able to identify three problem areas:

(1) **Land alienation** throughout the whole pastoral land in varying degrees. This development has changed the natural habitat of the Community, leading them to total impoverishment.

(2) **Culture and Development**. In this area it was noted that in many cases involving customs, traditions and beliefs, culture is in disharmony with some of the forces of modernity; which in turn creates confused cultural directions and dimensions.

(4) **Illiteracy**. There is a very high illiteracy rate amongst the Community, to almost entirely deprive the Community of communication links with the world outside them.

2.2 Many resolutions centered on these three major areas. It was noted, and utterly agreed by all participants, that unless something is done now to stop further encroachment of these problems, the Maa-people's future is bleak and discreditable.

3.1 Resolutions

One of the many resolutions passed by the Conference was the establishment of a Maa-Universal Body to oversee their development needs and priorities.

4.1 INYUAT E-MAA

This means in Maasai, »Maa Efforts in Development«, and is the name of the body formed. In English, this body will simply be known as »Maa Development Organisation« (MDO).

4.2 Inyuat e-Maa aims at simulating and facilitating people's popular participation in their own development. Initially, its areas of operation will be:

(1) Amongst Illmaasai
- (i) Monduli District
- (ii) Ngorongoro District
- (iii) Kieto District

(2) Amongst Illarusa
- (i) Arumeru & Arusha District

(3) Amongst Ilparakuyo
- (i) Ilparakuyo District

(by putting this cluster scattered in the Regions, Tanga, Kilimanjaro, Coast, Morogoro, Dodoma, Iringa and Mbeya together)

4.3.1 Inyuat e-Maa, when registered as a legal NGO would strive to bring about socio-economic development of this Community on the following fronts:

(1) **Development Front**
As a Department of the NGO, this Front will deal with socio-economic development in the fields of Education, Water, Health, Livestock, Community Development and Women's Affairs, Youth's Affairs, Environmental issues and Finance and Administration.

(2) **Cultural and Religious Affairs Front**
Another Department of the NGO, to run, develop and manage the Community's cultural and religious places such as En'donyo Ol'llmorwaak for the Olng'eherr Ritual (placed at Hai District, Kilimanjaro) and Oyarata le-Mukulat for the Eunoto Ritual (placed at Arumeru District, Arusha Region). The same Department would work on the building, moulding and consolidation of the Community's Traditional Institutions (Institutional Development) which we need as our grassroots organs. This is not only to enhance cultural sustainability, but also seeks the means and ways of using culture as a vehicle for development.

(3) **Research and Economic Diversification Front**
This Department will deal with all research work needed for the cultural and socio-economic development of the Community. It would also strive to develop the pastoral economy as well as advising and suggesting the means and ways of diversifying the so far monostructure economy of this Community.

4.3.2 It is my vision and hope that in the long run the three Departments would split into three separate and independent, but related, entities in the following way:

(1) **Development Front** to remain

the main NGO taking over the rights and financial obligations of Inyuat e-Maa.

(2) **Cultural and Religious Affairs Front**: turns into an autonomous Cultural Institute.

(3) **Research and Economic Diversification Front**: becomes a self-supporting economic venture.

5.1 Conference Report

A detailed Conference and Women's Exhibition Report in Swaheli and English versions is being prepared.

6.1 Drafting of Constitution and Body Registration

The Secrertary in collaboration with the Committee of 19 peoiple, together with a lawyer, are working on this. Hopefully, this work will completed by the end of March 1992.

6.2 In order to achieve and complete what is contained in Numbers 5.1 and 6.1 in the above, former Conference sponsors have been requested to assist financially.

7.1 The conference has returned to office its Secretary and a 19 people Committee that had worked for the Conference, to oversee registration of the Body and co-ordinate the activities of the Body and work for the Second Maasai Conference on Culture and Development.

7.2 When the Body – Inyuat e-Maa is registered, this Committee would be referred to as an »Interim Boarde« with a Chairman.

Arusha, December 1991

For further information Contact:
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East Africa ❑

Book received

Charles Robert Lane:

Alienation of Barabaig Pasture Land: Policy Implications for Pastoral Development in Tanzania.
International Institute of Environment and Development. London 1991. xxii+327pp.

The Barabaigs are pastoralists i northern Tanzania. This doctoral thesis is an in depth analysis of Barabaig pastoral production and the social system behind it. The book shows the Barabaig to be rational pastoralists, willing and astute sellers of stock, without animal surplus, to subsistence needs.

The customary land tenure shows that the Barabaig has an effective land use control system. This goes against the official Tanzanian policy towards pastoralists, and Charles Lane also challenges the theory of »the tragedy of the commons«.

In 1970 Tanzania and the Canadian government agreed to develop large tracts of land belonging to the Barabaig for a state-owned wheat scheme. The result has been a substantial decline of the productivity of Barabaig herds. Acquisition of land for the scheme has also contravened the law because of a failure to respect Barabaig customary rights to land derived from historical, political, physical, and spiritual claims.

The study concludes by considering the implications of current policies, and suggests ways to maximise the potential of pastoral production and resolve conflicts over land in pastoral areas.
(*see IWGIA Newsletter 60/61, 1990 for a court case that the Barabaig have brought against the Tanzanian state*).

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A »Northern Parliament« ?:

Arctic and sub-arctic peoples deputies meet in Moscow, May 1991

By: Inge Larsen

In the autumn of 1989, 26 arctic and sub-arctic peoples in the then Soviet Union, now Russia, founded an association which would help to gain attention and assistance for these peoples in the difficult situation in which they find themselves (see IWGIA Document No. 67). To strengthen and make concrete this work, those taking part in one of the Association`s meetings decided to form a united assembly of deputies who were elected to the country`s governing bodies, at both central and local levels. Such an assembly met in Moscow on the 6th and 7th of May, 1991. The work of this so-called »Northern Parliament« was frustrated by the attempted coup in August of the same year. Some of the deputies who took part in the assembly in May, were elected to the Soviet Union`s Supreme Soviet and subsequently lost there positions with the dissolving of the Soviet Union after the coup attempt. Even though the work of the »Northern Parliament« seems to have been paralysed by these happenings, we bring here a report of the, up to now, only meeting; the founding congress which, despite the circumstances, marks yet another important historical and political happening in the history of the Northern Peoples in these years.

Our information on the assembly of deputies founding congress comes from an article in the magazine »Sovetskaia etnografiia«, 1991, no.6, by T.V. Lukianchenko and N.I.Novikova: *O rabote Uchreditelnogo sezda narodnykh deputatov ot malochislennikh narodov Severa, Sibiri i Dalnego Vostoka* (On the Small Northern, Sibirian and Far Eastern Peoples founding congress of deputies).

In all there were 119 delegates from all the Arctic and Sub-arctic peoples and areas in Russia who took part in the founding congress in Moscow. As something new the *Veps* and *Izhors* were represented. Those taking part were delegates elected to governing bodies (soviets) at all levels, right from local soviets far out in the tundra and tajga to the Supreme Soviets of the SSSR and RSFSR. Present as guests were the chairmen of the SSSR's and RSFSR's chambers of nationalities, the leaders of a string of ministries and authorities who are responsible for the exploitation of the small peoples' territories, plus scientific workers from the Institute for Ethnography and the Institute for Social Research.

V.M.Etylen (the deputy for Chukotka in the Supreme Soviet of the Soviet Union and chairman of the congress'initiative committee), opened with a speech on: »Basic ideas on self-government for the small peoples in the North, Sibiria and the Far East«. He said that the state's policies as regards the small peoples was actually most effective and goal orientated in the twenties and thirties, but that it was a centralised government and not self-government. In it's essence this policy was an expression of paternalism with it's origins in state charity. This had laid the basis for mistaken decisions and a lack of attention in regard to the small peoples, especially during the » period of stagnation« (the last 3 decades), and led to a serious worsening of their problems. In the search for self-government, the founding of the Association was an important step in the right direction. But as the Association didn't have any real power and the indigenous peoples found it difficult to obtain any influence due to their numerical weakness. We must therefore seek other solutions. Etylen suggested four variations:

1. Special quotas of deputies from the small peoples to soviets at all levels,
2. A two chamber system on all levels where one chamber would consist of representatives from the small peoples and the other of representatives from the areas entire population,

3. The creation of commissions at local level formed of representatives from the small peoples who would have the right of veto in relation to all matters which affect them.
4. Election of representatives by secret vote, cast in direct elections from special ethnic electoral lists, which would only include members of the small peoples in the given area. The elected group should be considered as having been elected by the 26 small peoples as a single political group.

Afterwards these four variants were discussed. The majority of the deputies supported the creation of a »Northern Parliament« for the small peoples as an important forum which could help to obtain political influence by parliamentary means. Many wanted the assembly to have, for example, the right of veto on cases which affected the small peoples on all levels. Some of the deputies were against a two chamber system because they believed that it would only lead to a sharpening of the conflicts between different national and ethnic groups. They preferred a quota system together with the suggested right to a veto. Many deputies mentioned the necessity of ratifying the ILO convention on indigenous peoples. E.A.Gaer, *ngasan* and member of SSSR's Supreme Soviet, pointed out that, in reference to the ILO convention, it is incompatable with the Soviet Union's constitution on the right to the ownership of land. Many spoke of giving the autonomous areas a greater degree of autonomy.

In relation to the Association there was disagreement on the relationship between it and the assembly of deputies. Some of the deputies wanted to concentrate on the work of the Association others on the congress of deputies. Jeremy Aipyn (Khant and member of SSSR's Supreme Soviet) felt that the Association couldn't solve all the problems. The assembly should help to create an economic base for the northern peoples development and he spoke in support of publishing a magazine alongside »Northern Expanses« (Severnye prostery).

S.Ya.Palcin, from the Nensisk Autonomous Area in the European part of Russia, recommended establishing a fund to support the creation of a market economy in the northern areas and which would offer them a form of social protection during the transition to a market economy. The republics and the Union should supply the economic means to set up the fund.

From Khanty Mansi Autonomous Area. Photo: Vladimir Chen.

The Minister for the Environment, Vorontsov, spoke as a guest. He pointed out that the areas which have been declared as »protected«, for example nature reserves in the Russian Soviet Republic`s, now Russia`s tundra and forest tundra, make up only 1% of the total land area as opposed to 15% in Alaska. In his opinion zones should be set up which would be reserved for traditional indigenous occupations. His speech was well received by the deputies.

While the majority of deputies at the congress supported one or another form of self government for the indigenous peoples, the Chairman for the Supreme Soviet`s nationalities committee, Abdulatipova, was against special treatment and recommended that the indigenous peoples join in the country`s general development.

To close the discussion, V.M.Etylen recommended that the assembly of deputies worked closely together with the Association and warned against centralising either of the organisations activities.

The assembly then took stock of the program and rules for it`s work. It defined itself as the controlling and coordinating body for the deputies from the northern areas at all levels. The aims of the assembly should be to coordinate the deputies work at all levels, to take part actively in law making and in controlling that the laws were actually put into practice, to act as consultants and experts in the forming of laws, both centrally and locally and to establish a fund for the survival of the indigenous peoples with contributions from state and other official institutions and from their own economic activities.

The assembly put forward a proposal to the commissions for the constitutions of the SSSR and the RSFSR, that there should be a special quota system of 30 deputies from the small peoples (one from each) to the chambers of nationalities of both Supreme Soviets, that of the SSSR and the RSFSR. The deputies to these chambers should be chosen by secret ballot in the assembly of deputies or locally by special election lists. Also it was proposed that indigenous peoples would have representatives in especially relevant government bodies.

The assembly of deputies should be chosen from amongst elected deputies from all levels. The assembly should meet in congress every second or third year. The

leadership or praesidium should be made up of 25-30 deputies of the small peoples, one from each. Six sub-committees should be formed, each with it`s specia! area of responsibility. The praesidium should have a representative on the council of ministers of the RSFSR and should publish a newspaper or magazine.

At the congress J.Aipyn was elected chairman of the praesidium, while E.Gaer, A.V.Krivoshapkin and S.Ya.Palchin were elected vice-chairmen.

A resolution was passed recommending the ratification of the ILO convention, that the *Veps, Kamchaldals* and *Izhors* be recognised as small peoples together with the Teleuts and Kereks, and that the automomous areas be given greater automomy. The resolution also recommended that property rights in the indigenous areas be clarified in the constitution of the RSFSR. Last but not least it was decided to protest to the council of ministers of both the SSSR and the RSFSR about the opening of a new oil extraction area, Tyanovskoye, near Surgut in the Khantimanian Autonomous Area in West Sibiria, where 211 *Khants* (35 families) have been made homeless as a result of the extraction of oil, and the situation in the area is described as strained, ecologically and ethnically. ❑

INDIGENOUS PEOPLES OF THE SOVIET NORTH

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Human Rights in Burma

IWGIA's Oral Statement to the UN Commission on Human Rights presented by Dr. Em Marta

Mr. Chairman,
The 14-million national minorities of the Union of Myanmar are grossly being denied their national and religious rights as well as their rights to self-determination by the authorities of the country. Unwilling to grant the minorities their rights, the authorities confuse the situation by announcing that there are 135 races and they are arguing that it is impractical to grant all these races autonomous states and the right to international self-determination. Most of these claimed 135 races are the sub-tribes of the 11 major ethnic nationalities of Myanmar.

Mr. Chairman, National Minorities, such as Arakan, Chin, Kachin, Karen, Karenni, Lahu, Mon, Shan and Wa are being denied their rights since the country gained independence in 1948. They are not allowed to learn their own languages in public schools, and not allowed to practice their culture and religious beliefs or to administer their domestic affairs. They are treated as second class citizens in their own country. They are forced to read, write and speak the Burman language – Burman being the dominant ethnic nationality of the country – to practice the Burman culture and are subject to the totalitarian governing of the military regime.

The minorities are being offended by persecutions and social and economic injustices committed against them by the military regime to make them either flee the country, or are subject to the atrocities in silence and fear, or resolve to armed resistance, in which case excessive force would be used against them.

In a country with no external enemies, more than 40 per cent of the national budget is today spent on defence for the suppression of the minorities. Looting and burning of the villages of the minorities, rape, extra-judicial execution and forcible relocation of villages are common practices of the army. It is assumed that over 400,000 of the people of the ethnic minorities have been extra-judicially executed by those in power during the past 40 years.

During October and November last year the military authorities destroyed 21 Karen villages in the Country's Southern Irrawaddy Delta by air-force bombing, shelling by the navy and assault by the ground forces. On 12th October 1991, the Burma Air Force bombed a Karen village called Teeta.The middle school of the village was hit by some bombs, 41 young pupils were killed, and many others were wounded. Many Karen Community leaders were arrested on the false charge of armed rebellion. They were tortured and some were executed. Even wives and mothers of Karen leaders, including 70 year olds, were arrested, interrogated and jailed. Over 80 arrested community leaders »disappeared« en route to detention centers. Christian pastors were also targeted and three of them supposedly died during interrogations. More than 30 of them are still in jail.

The total number of civilian deaths due to the authorities' »Anti-insurgency campaign« amounts to 800 killed last year, 117

Karen and Mon villages in Southeast Myanmar looted and burned, 81 villages forcibly relocated and over 2,000 civilians, including children, women and elderly, were extrajudicially executed. The military of Myanmar has escalated the civil war in the country since the beginning of this year. It is launching an all out offensive against the Karen, employing more than 25,000 of its troops who are doing occasional intrusions into neighbouring Thailand.

In Southeast Myanmar thousands of minority Arakan Muslims were fleeing from torture and religious persecution by the Burmese troops. A large portion of Muslim land has been confiscated and given to hostile settlers. Even their mosques were demolished for making new military barracks. Muslim youths were taken for forced labour for construction of roads and air fields. The beards of Muslim holy men were forcibly shaved off, and they were tortured.

Myanmar is reported to have deployed more than 75,000 troops along its border with Bangladesh. This has threatened the sovereignty of neighbouring Bangladesh and regional peace.

In the Northwest of Myanmar where the country is bordering on India, Naga villages were attacked by Burmese troops in mid-December. Mr. Vamuzo, the Chief Minister of India's Naga land state, said in an interview that his state had given refuge to 1,400 Naga of Myanmar who had flied from the atrocities. He told about one incident where the Burmese rampaging troops cut off the breasts of a Naga Woman who refused to move her belongings.

Mr. Chairman, the atrocities committed by the Burmese troops have driven over 150,000 minorities into neighbouring countries. Thailand has to accommodate over 60,000 Karen and Mon Refugees, Bangladesh the same number of Burmese Muslims, and China and India have to accommodate over 30,000 of Kachin and Naga refugees. These figures are just the tip of the iceberg. Hundreds of thousands of villagers have been displaced inside Myanmar by the atrocities and thousands more secretly left the country to begin new lives abroad.

The Burmese troops have forced the people to work as porters in its war of annihilation against the minorities. These people were rounded up from public entertainment places, or public transportation stations or from their work or homes. They were treated inhumanely, forced to carry excessive loads, never given enough food, denied medical treatment when sick or wounded from cross-fire. They were forced to march in front of the troops in mine fields, and their relatives received no compensation in case of deaths. Currently over 20,000 people are being forced to work as porters by the Burmese soldiers in Southeast Burma. According to what the porters who have escaped are telling, some of the porters are women, and even pregnant women, and some had to leave their breast-fed babies behind. Most of them has already been porter for over two months with no hope of escape. Some of the women were forced to sleep with the soldiers. Supposedly over 100 of them have already died from cross-fire and diseases. It was also reported that in Western Burma, 15,000 Muslims were conscripted by the military to be used as human shields in case war broke out between Bangladesh and Myanmar.

Mr. Chairman, in conclusion I would like to point out that the treatment of the minorities by the military of Myanmar can no longer be regarded as internal affairs of a country. The civil war in the country has already driven 150,000 refugees into neighbouring countries. The Anti-Slavery International statement pointed out to the working groups on contemporary forms of slavery that 1,500 Burmese women were forced to be prostitutes in Thailand in the southern town of Ranong alone. Thai authorities claimed that a high percentage of the Burmese women were aids carriers. Myanmar does not permit any field studies of the spread of aids. But it is believed that the rate of HIV infection is spreading rapidly, unpublicized and unresearched, into the rest of the community through intravenous drug-uses, blood transfusion, sexual intercourse, prostitution and other means.

This year the opium harvest in Myanmar is estimated to be over 2,500 tons as the military authorities have signed cease-fire agreements with the opium war-lords and are co-operating in the production of illicit heroin. Myanmar is thus a threat to regional security and to world peace. The issue of human rights in Myanmar has been under confidential procedure for the past three years but the authorities do not show any indication of wanting to improve the human rights situation of the country.

We therefore call out to the World Community, and especially to our neighbouring Asian countries, through this commission to exert maximum political and economic pressure on the Myanmar military regime to make it

- respect the rights of the national, ethnic religious and linguistic minorities of the country
- end its civil war against the national and religious minorities
- immediately return the state power to the people representatives. ❑

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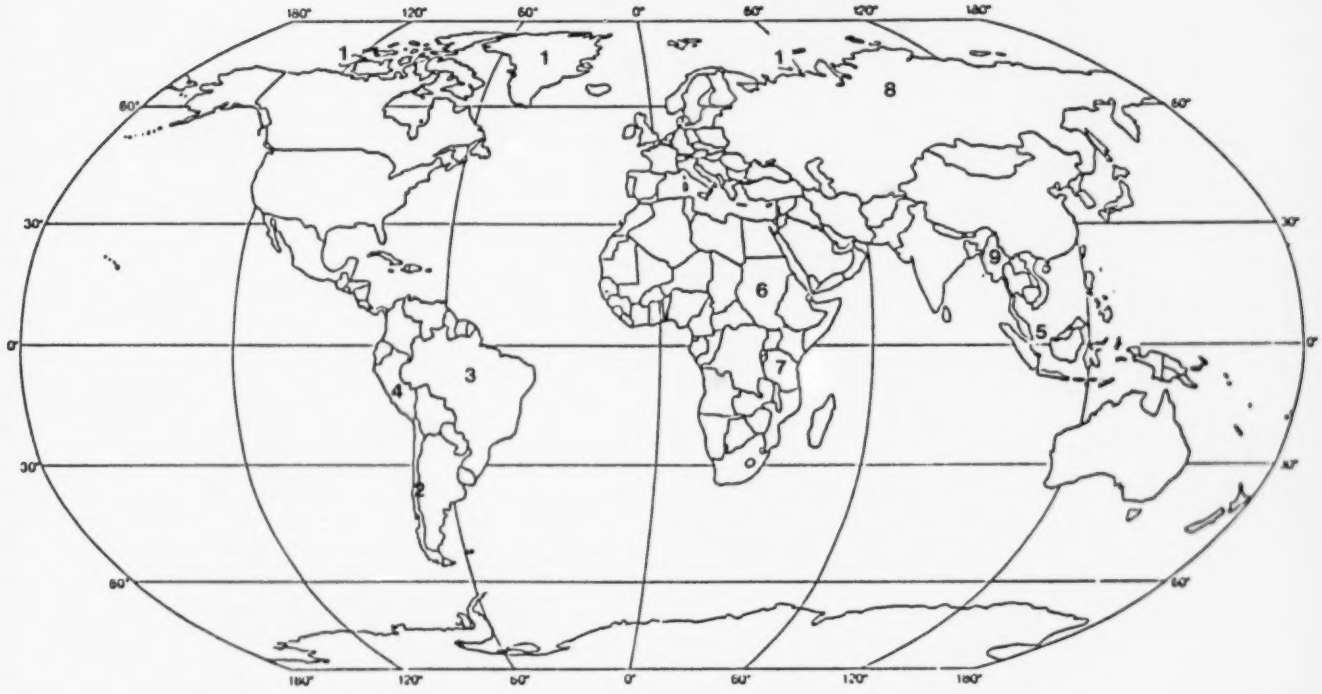

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NEWSLETTER

No. 2 · April / May / June · 1992

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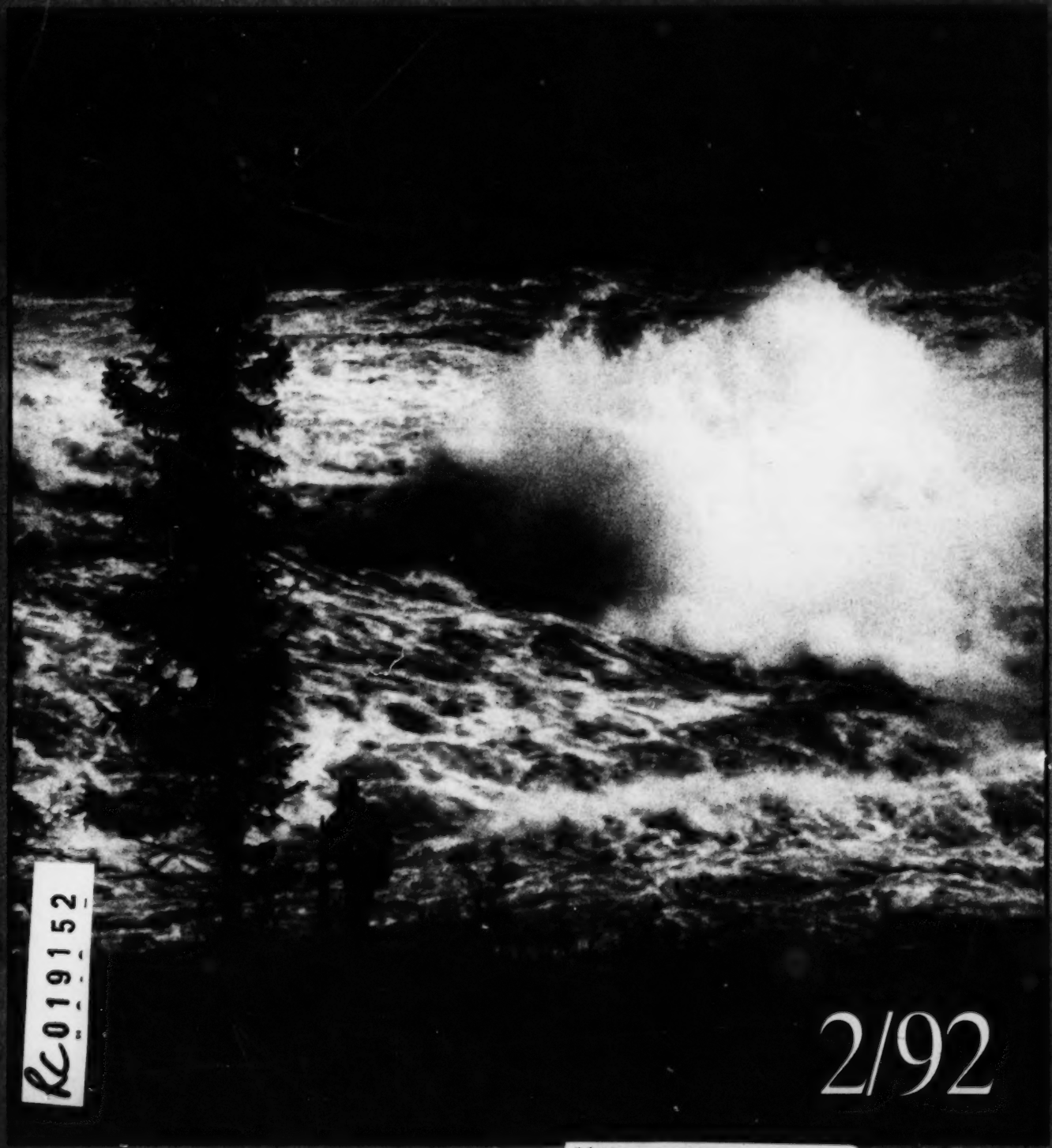

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Editorial

The excessive use of water resources has had serious repercussions on mankind and the environment. In order to discuss this matter, the Second Meeting of the Water Board was convened in Amsterdam with delegates from 18 countries taking part. The representatives from the land of the *Cree* people in Canada complained that the construction of the Hydroelectric Project in James Bay in Quebec has had a serious effect on the environment, threatening the survival chances of the indigenous peoples living in the area. However, the authorities do not respect the natives' territorial rights, and they refuse to discuss the hydroelectric project with the Crees.

The building of the Narmada dike in India will precipitate a social and environmental tragedy, because it is estimated that more than 300,000 people will be forced to leave their homes as 130,000 hectares of land are submerged under water.

In Western Papua, the Indonesian authorities have initiated a campaign with the aim of attracting foreign companies to invest in mineral mining on the island. Recently, the North American company, Freeport, was granted an important concession which will enable them to mine for copper and gold, thus having an immediate damaging effect on the rivers which provide the *Amungme* people with water. A similar situation is affecting the *Munduruku, Kalabi* and *Suter-Mawe* Indians in Brazil, where the water supply is still being contaminated by gold mining.

Meanwhile in Penang, Malaysia, representatives from the tropical forest in the continents of America, Asia and Africa met to discuss their situation. The conference resulted in the »Declaration of the Indigenous Peoples of the Tropical Forest«,and the setting up of the »World Alliance of the Indigenous Peoples of the Tropical Forest. In this issue, we are transcribing the Penang Declaration, where the demands, objectives and principles of the indigenous peoples are defined. This adds a new insight into the development and conservation of the forest, based on the rights of its original inhabitants.

One of the peoples who are affected by the destruction of the forest is the *Moi* from Western Papua, after the Indonesian government granted an important concession allowing the extraction of timber in the heart of Moi territory.

In Israel, 60% of the Negev *Bedouins* continue to oppose the settlement policy administered by the state. The Bedouins believe that, with this policy, Israel is guaranteeing itself control over the lands which traditionally belonged to the Bedouins.

In Peru, the indigenous *Asháninka* are the victims of an armed fight between the Peruvian army and the guerilla group, »Sendero Luminoso« and »Tupac Amaru«. At the end of 1989,the natives rose up and established armed defense groups, after one of their leaders was murdered by a guerilla group. Since then, there have been a number of confrontations, mainly caused by the »Sendero Luminoso«, which have had tragic consequences for the Asháninka.

Latin America as a whole is still suffering from the consequences of cholera, and in this issue we are giving an up-date of the present epidemic situation.

In Guatemala, the indigenous *Maya* leader, Rigoberta Menchú, has officially been nominated for the 1992 Nobel Peace Prize. Adolfo Pérez Esquivel, who received the Nobel Peace Prize in 1980, was the person responsible for nominating Rigoberta Menchu to the Nobel committee. We have therefore included Esquivel's nomination for the candidacy for the next Nobel Peace Prize.

Ulla Hasager and Kawaipuna Prejean demonstrate how the United States are not fulfilling their obligations in Hawaii towards the *Kanaka Maoli* by introducing the 1921 Hawaiian Commission for Interior Affairs Bill, and therefore depriving the native Hawaiians of their rights.

Meanwhile in Alaska,there exist various interpretations of how the principles of the »Federal Indian Law« should be applied. Here we are analyzing the question of tribal autonomy in Alaska, starting with the *Tyonek* people. ❑

Alejandro Parellada.

Cover: *Canada: Whapmagoostui territory. Photo: Luis Eguren*

Second International Water Tribunal

Amsterdam, Holland, 17-21 February 1992

Jury Members:

Dr. Ismail-Sabri Abdalla (Egypt)
Ms. Keri Hulme (New Zealand)
Ms. Devaki Jain (India)
Mr. Alexandre Ch. Kiss (France)
Mr. Mochtar Lubis (Indonesia)
Mr. Jorge Morello (Argentina)
Mr. Vicente Sánchez (Chile)
Ms. Marie-Angélique Savane (Senegal)
Mr. Gerd Winter (Germany)

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Water Tribunal

Canada: Great Whale River – James Bay II Hydroelectric Project

To the Jury of the Second International Water Tribunal

I, Matthew Coon-Come, declare:

I am Grand Chief of the Grand Council of Crees (of Quebec), Representing the Cree Nation of Quebec, consisting of the *Nemaska, Mistissini, Waswanipi, Whapmagoostui, Chisasibi, Wemindji* and *Eastmain* bands and *Plaintiff* in this case.

The Cree Nation includes 10 000 aboriginal people of Cree ancestry, an organized society that has lived, hunted, fished, trapped and harvested in the James Bay and Hudson Bay area since time immemorial, subject to its own laws, customs, and beliefs.

The Cree Nation has since time immemorial held aboriginal title to its traditional ancestral lands, an area of some 450,000 square kilometres, to the east of James Bay and Hudson Bay. This title has been confirmed by common law, under the Royal Proclamation of 1763 and other laws, and confirmed by the James Bay and Northern Quebec Agreement (1975) and related Canadian legislation.

We have used, managed, conserved, sustained, and have been sustained by these waters and lands and the creatures that live there, for more than 5,000 years, without harming or despoiling them.

Our waters, lands and way of life have in recent years been greatly harmed by the James Bay I hydroelectric megaproject, authorized and built by the Defendants. The proposed James Bay megaproject further threatens our environment, and endangers the survival of the Cree people.

The evidence presented in this Case Document concerning the adverse environmental and social impacts of the James Bay hydroelectric is drawn from our own knowledge and experience, Cree traditional knowledge, and from the knowledge of others, including scientific experts.

The Case Document is, to the best of my knowledge and belief, a true and accurate presentation of our Case.

Matthew Coon Come, Grand Chief

I. The Plaintiff

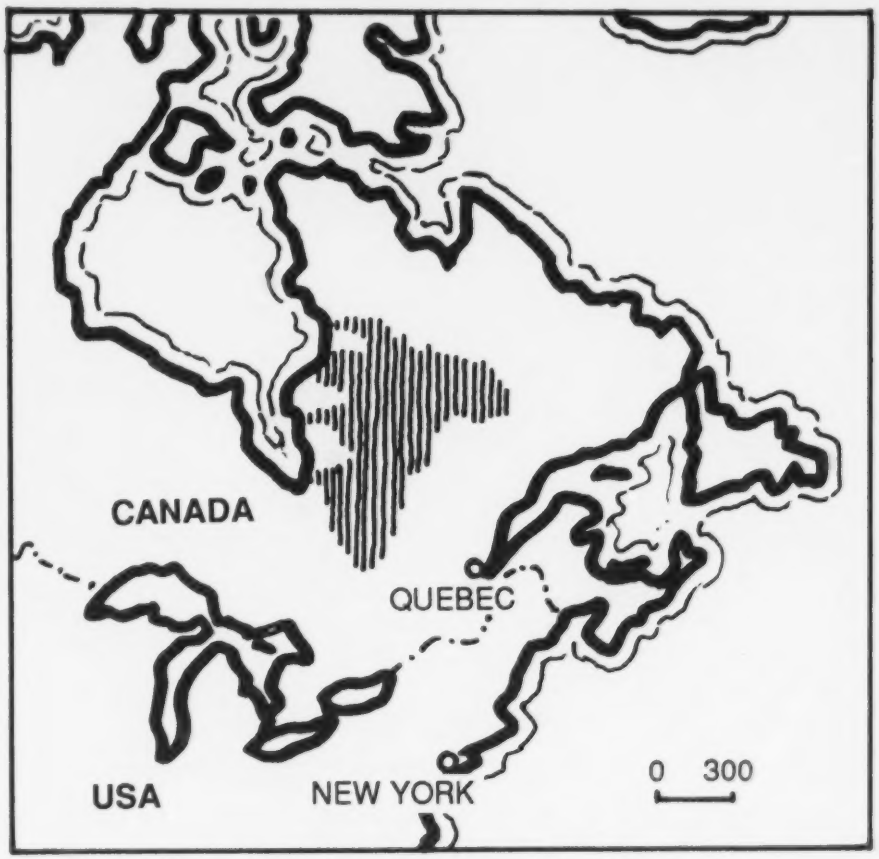
A. The Plaintiff is the Grand Council of the Crees (of Quebec). It represents the Cree Nation of Northern Quebec, consisting of the Nemaska, Mistissini, Ouje-Bougoumou, Waswanipi, Waskaganish, Whapmagoostui, Chisasibi, Wemindji and Eastmain bands. The Cree Nation consists of 10 000 aboriginal people of Cree ancestry, an organized society that has had its own laws, customs, religion and pursuits since time immemorial and for millennia before any European presence or colonization in North America. The Cree Nation is an »aboriginal people« within the meaning of the Constitution Act, 1982 of Canada, and is a Nation recognized by the Quebec National Assembly.

B. Since time immemorial, the Plaintiffs have held aboriginal title to their traditional ancestral lands, an area of some 450 000 sq.km. (175 000 sq.mi.) to the east of James Bay and Hudson Bay, in the area of Northern Quebec. Cree Indian title to Cree traditional lands has been recognized inter alia by common law, under the Royal Proclamation of 1763 and other laws, and confirmed under the regime of the James Bay and Northern Quebec Agreement (JBNQA) and related legislation.

C. The Plaintiffs have occupied, used, managed and conserved the fragile northern environment that is their traditional land for more than 5 000 years. They have a special relationship with the land and all of its creatures, with which they are intimately interdependent and on which their

physical, cultural and spiritual survival depends:

»When we Crees talk about ourselves, we say (nitohow wiyiyiwits), or we are hunting people. Rather than denoting just the act of hunting, the meaning encompasses our whole way of life; our values, our aspirations, our activities... Our land and climate have been dismissed by many as barren and inhospitable. We consider it rich in fish, birds, game and fur-bearing animals. Casting its web over our lands is a network of nine Cree communities and our traplines... We consider our relationship with animals to be spiritual, respecting them as brothers. From our perspective animals and men have been put on the earth to take care of each other. The animals provide us with food and we, in return, maintain the land and manage our hunt. Every day we are reminded of the importance of animals. We have starved when animals could not be found, a lesson that is before us each time we hunt. Fish is a staple in our Cree diet. Fish sustains us when we are trapping... in times of game shortage, fish was the only food available to us. Because of responsible harvesting practices, none of the species we harvest, whether through hunting, fishing or trapping, is endangered. Under our care the animals prosper... protection of bush life is not just a sentimental concern, it is an inevitable choice we must make. Without it we could not exist...« (Grand Council of the Crees (of Québec), 1990.



Area affected by the James Bay project.

Numerous anthropological, and ecological studies have substantiated the above description of Cree values, society and subsistence use of traditional lands for bodily, community and spiritual sustenance. They establish that Cree society is a highly stable, organized, complex – and delicate – way of life, that is intimately connected to the land, the animals, and the environment. In addition, they establish that the Plaintiffs have consciously and conscientiously safeguarded and conserved the resource base and environment of which they are part, since time immemorial.

The Plaintiffs have done so for millennia. Through the application of their traditional knowledge, the Crees have conserved the natural resources of James Bay and protected that environment for thousands of years.

D. In keeping with their duty to themselves and future generations, their traditional lands and other creatures, the Plaintiffs have consistently opposed the Project since it was first proposed in 1971:

To the Minister of Indian Affairs:

We, the representatives of the Cree bands that will be affected by the James Bay hydro project or any other project, oppose these projects because we believe that only the beavers have the right to build dams in our territory, and we request the Minister... to use his legal jurisdiction to stop any attempt of intrusion of our rightfully owned territory by the Government of the province of Quebec, or any other authority. And we have signed this document on the first day of July, 1971.

Since then, Plaintiffs ' opposition to the Project has been unambiguous and publicly-stated, including through communication with Defendants, public statements and protests, and through extensive litigation in the white man's courts.

II. The Defendants

A. The Government of Canada (Defendant 1)

B. The Government of Quebec (Defendant 2)

C. Hydro-Quebec (Defendant 3) and details of European Transnational Corporations

The Government of Quebec oversees the activities of Hydro-Quebec, a so-called Crown corporation which acts as the government's agent. Hydro-Quebec wholly owns and controls the James Bay Energy Corporation, which develops the hydroelectric resources of James Bay on behalf of Hydro-Quebec. Both corporations are signatories of the JBNQA, and thus have

specific legal obligations to the environment and the Plaintiffs.

The activities and omissions of this Defendant complained of are as follows:

1. Defendant Hydro-Quebec constructed an environmentally and socially destructive hydroelectric megaproject on Plaintiffs' traditional lands, without prior assessment of the impact it would have on the environment or the Plaintiffs. The project has caused substantial and irreversible damage to the Plaintiffs ' traditional lands, and seriously harmed the Plaintiffs and their way of life,
2. Defendant Hydro-Quebec contracted with a number of European and other transnational corporations in respect of the construction of James Bay I (see Table JB-1, above).
3. Defendant Hydro-Quebec intends to construct further hydroelectric megaproject works on Plaintiffs 'traditional lands, which will have a serious adverse impact on the environment and which threatens the Plaintiffs way of life and their survival as a people,
4. Defendant Hydro-Quebec has collected technical and environmental information regarding James Bay Phase II, at a cost of millions of dollars. These studies have been carried out in violation of the environmental assessment procedures of the JBNQA. The results of these studies have not been made public, and are not available to the Plaintiffs. In particular, the studies include surveys relating to methyl mercury contamination of the environment and traditional components of the Plaintiffs'diet, and to other contaminants in food. This practice has severely prejudiced the Plaintiffs;

D. SNC-Lavalin Inc. (Defendant 4)
Defendant SNC-Lavalin Inc. (formerly two separate corporations, SNC and Lavalin; merged into one in 1991) is an engineering corporation in Montreal.
The activities of this Defendant complained of are as follows:

1. Defendant SNC-Lavalin Inc. was prominently involved in the construction of James Bay Phase I as »Managing Participants«. The Project has caused substantial and irreversible damage to Plaintiffs' traditional lands, and seriously harmed the Plaintiffs and their way of life,
2. The Defendant SNC-Lavalin Inc. is prominently involved in promotion of the construction of additional hydroelectric megaproject works on Plaintiffs' traditional lands, which will have a devastating effect on the environment and threaten the survival of the Plaintiffs as a people.

III. The Project

»I do not think that there is a precedent for the manipulation of a sub-arctic watershed elsewhere in the world... as such, the project represents a natural experiment – both ecological and social-on a large scale«. (Penn, A. »Testimony to National Energy Board, 1990)

A. Background

Somewhere across the ocean, a king scribbled his name on a piece of paper, and all of the Cree lands became part of a land grant to Prince Rupert. Approximately 100 years later, another king signed another piece of paper, this time saying that dealings with the Native peoples and their rights were the domain of the imperial government... In the last century, Canada was given Rupert's Land and, in 1898 and 1912, Canada ceded Rupert's Land to Quebec under the condition that it dealt with the rights of the Native inhabitants... All this shuffling of paper done by people with no knowledge of the Crees or of our way of life or our beliefs has significance for us only because the white man's system has been imposed on us... We (then) lost our case in a court system that was entirely foreign managed to minimise our losses... The dream of dominating development of James Bay lands is Robert Bourassa's dream of mega hydroelectric projects. Robert Bourassa's dream is a nightmare for the Cree people.

Grand Chief Matthew Coon Come

The Policies of Defendants Canada and Quebec during the 20th century were to extend the domains of government authority and administration; to »develop the north« through settlement and resource exploitation by southerners; to curtail Cree traditional subsistence culture and economies; to speed a transition to wage labour; to restrict Cree hunting to the advantage of Euro-Canadian hunters; to force Cree children to attend southern schools, thereby losing skills essential to their economic and cultural survival; and to erode Cree autonomy and institutions.

These policies, and especially industrial development in Cree territory, harmed the Plaintiffs' subsistence activities. Pollution from mines and pulp mills promoted and permitted by Defendants 1 and 2 affected animals and fish widely, and thus the Plaintiffs. Nevertheless, the Cree way of life proved tenacious, and the Plaintiffs' hunting, fishing, trapping and gathering continued and continues to be a key productive activity – and a cornerstone of their cultural and spiritual universe.

B. James Bay I: La Grande Project

The harnessing of »hydroelectric power from the north« has long been a personal vision of, and political platform for, Quebec Premier Robert Bourassa. In 1971 Defendant 2 announced, without consultation or warning, that it was going to build a massive hydroelectric project on Plaintiffs' traditional lands.

The Plaintiffs were extremely concerned about the impending destruction by diversion (and thus drying up) of many major rivers; the destruction by massive swelling of other major rivers; the construction of numerous dams and hundreds of kilometres of dikes; and the flooding of thousands of square kilometres of their land and traplines.

Defendant Quebec insisted that the Plaintiffs had no aboriginal rights, and refused to discuss the project with them. After exhausting all avenues, the Plaintiffs went to court to seek an injunction to stop the project. After 78 days of court hearings involving 10 000 pages of transcribed evidence and five months of deliberation, the Plaintiffs were awarded a temporary injunction in November 1973. The Superior Court upheld Cree title to the land, and acknowledged that any interference with Cree use of the land threatened their existence as a people.

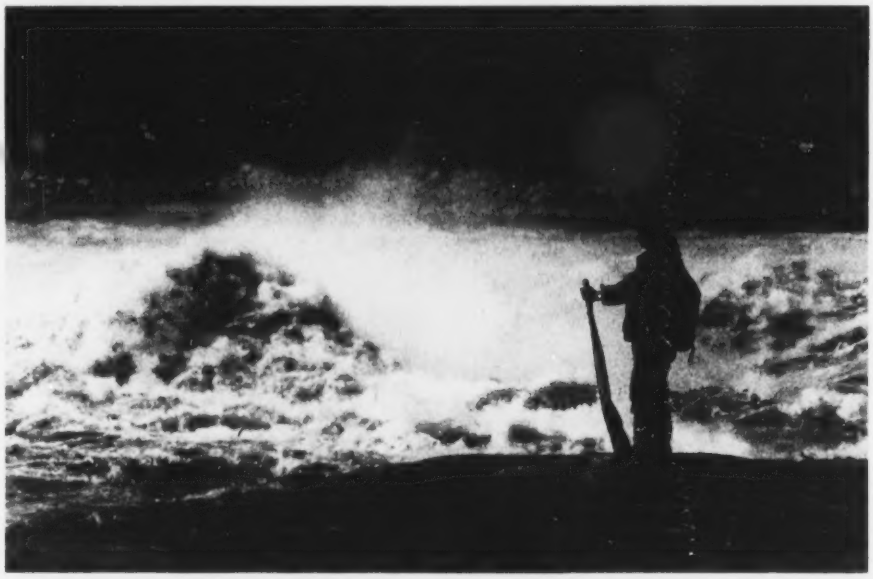
Seven days later, this historic court order was summarily overturned by The Quebec Court of Appeal in a four-page ruling, after a five hour hearing in which Defendant

Quebec's lawyers-the Appellants – were not even called upon to state their case. The higher court ruled that »the balance of convenience« favoured the Defendants because they had started work on the project. The Crees were refused leave to appeal this ruling.

One year later, the Court of Appeal ruled on the merits of the case. It held that it was doubtful whether the Crees had had any rights in the territory since 1670, when Charles II of England granted to the Hudson Bay Company absolute ownership of the territory encompassing that on which work was now being done; that the Plaintiffs were (by then, it must be noted, given the influx of thousands of workers for the project) a minority in their traditional territory; that they had, by virtue of their use of some modern equipment, abandoned their culture and were now just like whites; and most extraordinarily-where the Quebec Superior Court before it and the Federal Court in 1991 referred to the »devastating« and »drastic« effects of hydroelectric development on the environment and the Plaintiffs – that the project would actually be good for, and improve upon, the environment.

The ruling of the white Courts of Appeal made it abundantly clear to the Plaintiffs that they would be unable to prevent construction of the first phase of the project, especially as construction would continue and the project might be completed during further lengthy court appeal processes. The Cree thus reluctantly decided to negotiate with the governments of Quebec and Canada, in the hope of being able to obtain changes and reduce the impact influence of the project and protect the environment and their aboriginal and human rights.

The negotiations were conducted under great duress. Construction of James Bay Phase I was already underway. Defendants Canada and Quebec insisted on extinguishment of certain Cree aboriginal rights to and in land as a precondition to signing an agreement that would protect their hunting, fishing and trapping culture and economy, Defendant Canada threatening to cut off funding being provided to the Crees to defend themselves in the courts, and participated in the negotiations as an adversary of the Crees. Defendant Quebec maintained a posture that denied the rights of the Crees, and also insisted on provisions in the JBNQA that are in breach of the fundamental human rights of the Plaintiffs.



Great Whale River. Photo: Luis Eguren

The Parties signed the JBNQA in 1975. The agreement permitted construction of the Phase I of the Project, and compensated the Plaintiffs for the disruption of their way of life and the adverse impacts on their traditional lands. The agreement also promised to preserve the rights of the Plaintiffs to govern, hunt, fish and trap on their traditional land.

James Bay Phase I was constructed without any formal prior environmental impact assessment. Phase I of the project has resulted in significant environmental and social change and damage, and severe damage to the Cree and to their interests in the land and wildlife of the area. The Plaintiffs are therefore determined, as a matter of survival as a people, to prevent the construction of James Bay Phase II.

The Defendants are now proposing to proceed with Phase II of the James Bay Project, starting in 1992, without adequate environmental impact assessment, and without Cree consent.

Phase II of the Project consists of two parts, Vreat Whale/Grande Baleine (Part 1: starting date 1992; completion scheduled for 2000) and Nottaway-Broadback-Rupert/«NBR« (Part 2: start date 1996; completion scheduled for 2001).

Defendants 2 and 3 insisted until September 1991 that it was their intention to construct the infrastructure, costing C$750,000,000, prior to environmental assessment of the project as a whole.

The construction of James Bay Phase II will, on the experience of the first phase, cause serious, permanent and irremediable harm to the Crees and to the freshwater, marine and terrestrial environment in which they live and on which they depend (see Complaint, below). Importantly, Defendant Hydro-Quebec has acknowledged that further methyl mercury contamination of waters and fish is inevitable, and stated that the Cree simply must severely restrict their consumption of fish, a staple component of their traditional subsistence diet.

Defendants have strenuously resisted all efforts by the Crees and others to obtain a full, open and rigorous environmental impact assessment of James Bay Phase II before construction. Defendants Hydro-Quebec and the Government of Quebec have refused to make studies of the environmental and social impacts of James Bay II public. They have also resisted Plaintiffs' and others' efforts to force them to release crucial relevant information, including in the courts.

James Bay I has seriously, deleteriously and permanently affected the waters and aquatic environment; the terrestrial environment; and the flora and fauna and human environment of the James Bay and bioregion. Some of the major impacts of James Bay I are expected to result from the

commissioning of works underway up to 1995. These impacts can only be evaluated in following years and decades. James Bay II will compound the impacts of James Bay I on the environment and the Plaintiffs. The Plaintiffs' intimate links with the water, land and wildlife have made them uniquely aware of the disastrous effects of the Projects to date, and of the probability of further impacts if the Project continues.

The major impacts are as follows:

1. Flooding of land and loss of wilderness.
2. Mercury accumulation in reservoir fish following reservoir impoundment.
3. Adverse alteration of flow patterns in river diversions and inter-basin transfers, and loss of fish and other habitats.
4. Loss of productive lowlands and waterlands.
5. Erosion and sedimentation.
6. Adverse alteration of levels and flows.
7. Adverse alteration of temperature and quality of water.
8. Adverse impacts on freshwater and marine mammals.
9. Adverse impacts on migratory birds.
10. Adverse effects on climate (»greenhouse gases«).

B. Direct social impacts

Social and environmental impacts of the project are closely linked for the Cree Plaintiffs, for whom hunting, fishing and trapping is central for subsistence and societal organization. The destruction of wildlife habitat or of a fishery seriously harms the Plaintiffs, a people who do not just live in (or »nearby«) the environment, but whose culture, beliefs and very way of life make them part of it.

The following includes some of the profound social and cultural impacts of the Project on the Plaintiffs:

Nimass aksiwin (lit. »fish disease«, or methyl mercury poisoning)

»Nimass aksiwin strikes at the very heart of our society. It's like being told that armageddon has started, and people are scared as hell. The scientists come in here and tell us we're getting better (by eating less fish), but, hey, you can't measure... nimass aksiwin by taking hair samples. How can you measure a man's fear? How can you measure your way of life coming to an end?«

George Lameboy, Cree trapper.

Page 8-9: The proposed James Bay project threatens the environment and endangers the survival of the Cree people. Photo: Luis Eguren.

The impoundment of Project reservoirs led to mercury contamination of the Plaintiffs. In 1984 two thirds of the people in Chisasibi, a village at the mouth of the La Grande River, had levels of mercury in their bodies higher than World Health Organization (WHO) acceptable limits; and some older persons had many times the level deemed acceptable and had levels that had been associated with neurological disease elsewhere.

Since the emergence of the methyl mercury problem, the Plaintiffs have been told to stop fishing and to end or greatly curtail their consumption of fish, and this has led to a gradual drop in bodily mercury levels since 1984. This poses a range of serious social, cultural and human health questions. Though mercury contamination has begun to drop in humans, it is increasing in fish. Mercury is perceived by the Cree as a form of contagion, an infectious disease among fish, one that can be transmitted to man. Experience in Canada has shown that loss of confidence in country food is easily induced, has profound consequences, and is hard to remedy, resulting in additional stress on subsistence as a social and economic system.

The collective result (of reactions to mercury contamination) may be the abandonment of subsistence to such a degree that the social integrity of the community is seriously compromised. This, in turn, is likely to be revealed through elevated mortality, morbidity and social pathology...

Fishing, particularly at community sites at the first rapids of major rivers, was a central cultural activity. It has a significance that goes beyond nutrition. To the Plaintiffs, the fishery is a societal activity that maintains social bonds through its production and distribution. The destruction of the Cree fishery has taken from the Plaintiffs some of the way that community itself is organized.

Defendant Canada, in its 1991 Arctic Environmental Strategy: An Action Plan has identified the maintenance of the integrity foods as a priority in order to renew the confidence of Native peoples in country foods as a safe diet. Defendant Canada has targeted transboundary and atmospheric sources of toxic contaminants, but silent regarding the flooding of massive areas of sub-arctic woodland for hydroelectric development, and the resulting mercury contamination of the Plaintiffs and its consequences for their society.

»...the right to food could not be said to be fully protected unless (Canadians) are also guaranteed food which is culturally acceptable... This dimension of the right to food is basic in its application to the Aboriginal peoples of Canada, whose hunting, fishing and gathering practices form an integral part of their cultures. Not only is there a high dependence upon food thus acquired to maintain their traditional and preferred diet, but also, for many Aboriginal peoples, the food procurement and distribution is the means through which societal values are transmitted« (Robertson, »The Right to Food – Canadas Broken Covenant«)

Plaintiffs have already suffered mercury contamination and loss of the fishery as an important economic, cultural and spiritual asset as a result of James Bay I. James Bay II, and particularly the construction of the proposed NBR complex, will severely compound this damage.

2. Destruction of hunting and fishing areas, and traplines. The impoundment of vast reservoirs, diversion of some rivers and engorgement of many others is reshaping the James Bay environment, throughout which the Plaintiffs hunt, fish and operate traplines. The effect of the widescale imposition of a modern industrial undertaking has had (and will have an additional) adverse effect on the wildlife on which the Plaintiffs' survival as a people depends.

The alteration or destruction of traditional ways of subsistence life and other uses of land and water will, as with the destruction of the fishery, have a devastating effect on the health, nutrition, social wellbeing and spirit of the Plaintiffs.

3. Resettlement. The construction of the La Grande Complex - James Bay I resulted in the relocation of an entire community, now know as Chisaibi, one of the largest subsistence-oriented native communities in northern Canada. The project as we now know it would not have been possible without this relocation.

The relocation of this community of over 2 000 people involved and continues to cause considerable social and cultural stress. Hunters, fishermen and others have been severely affected by the relocation and the difficulties it imposes on their subsistence activities.

The community as a whole is struggling with the severe stress of the relocation, added as it is to the other impacts of James Bay on their whole way of life.

»I was there for the weekend. One youth tried to commit suicide. One girl took an overdose of pills. One young man was found passed out on the river shoreline, half in and half out of the water. Three teenagers ran a van into the river and had to be treated in hospital. A woman who had been badly beaten in a drinking quarrel in a nearby house came and asked to be driven home. The bootleggers circled the town selling beer from their vans. In the weekend after I left there were four more attempted suicides... This is everyday life in the model town, under the model Agreement, in a province proud of its success in pushing the frontier north« (Richardson, B., »Life in the model village«)

(This contrasts starkly with the official view of Defendant Hydro-Quebec:

...You have to look beyond the engineering aspect to our respect for the environment and wildlife and the efforts being made to provide the native people with autonomy, health services, social services and education. Our undertakings in each of these areas deserve praise and admiration. (Picard, A., »Crees, Quebec in power struggle over massive James Bay Project«)

Individual groups now face particular difficulties as a result of the relocation and temperature and flow changes in river waters. In the case of north coast hunters, the La Grande River now remains open and impassable rather than icing over, and the coastal ice is dangerous and unpredictable. They must now make a long and difficult journey by road – built as a mitigative measure by Hydro-Quebec -that will have serious long-range effects on land tenure and social organization.

4. Destruction of archaeological and spiritual heritage. Hydroelectric development on the scale of James Bay has destroyed numerous cultural sites and sacred burial grounds of great significance to the Plaintiffs. Major rivers, valleys and waterbodies have been travel routes for the Crees for millennia, and their floodings has and will cause the Plaintiffs serious cultural and spiritual harm.

5. Impairment of Plaintiffs' obligations to the environment. Massive, imposed hydroelectric development on Plaintiffs' traditional lands impairs or prevents Plaintiffs' natural, legal and spiritual obligations to manage and protect the environment:

The land and the rivers where the Cree people hunt and fish are a garden, a gift from the Creator. It has to be treated with love and respect to ensure that its spirit lives forever.
John Petagumskum, Elder.

6. Adverse impacts of access to Plaintiffs' lands. The construction of James Bay I brought about a short-term influx of thousands of non-Native southerners into Plaintiffs' lands, causing social and other problems for the duration of construction of the Project (still underway). This cycle will occur once more with the construction of James Bay II.

The construction of James Bay II infrastructure, including hundreds of kilometres of roads linking Plaintiffs' lands to the south, will facilitate unauthorized and unwanted access to the Cree lands, and open their lands to uncontrollable tourism and non-Native hunting.

7. Transformation of Cree society and economy. The construction of the La Grande – James Bay Phase I hydroelectric development has caused rapid and profound institutional, economic and cultural change – change which itself has become an important source of instability and insecurity. What is referred to as the »traditional economy« is now enmeshed in a web of transfer payments and institutional obligations that foster dependence and further destruction of the Plaintiffs' way of life.

Defendants have adopted this latter approach in response to the situation they have created with James Bay Phase I and intend to compound with James Bay Phase II. The Project has brought with it dislocation and some loss of the autonomy and the self-sufficiency the Plaintiffs have perfected over thousands of years. Plaintiffs do not accept that this process of destruction of their way of life must inevitably be completed or be permanent.

C. The Project will have significant indirect, or wider impacts, on both Quebec and on the subcontinent. Energy conservation has become a global environmental imperative. The James Bay Project typifies and perpetuates an approach of centralized, large-scale electricity generation to meet, and even encourage, limitless growth and consumption.

The Project will cause great indirect wider environmental impacts through providing artificially available and »cheap« electricity. Defendant Quebec and Hydro-Quebec promote the use of electricity for heat and industrial processes; for the aluminium industry (4GW; 32 Twh by 2000); and for export to the U.S. 3.5GW; 20 Twh by 2000).

These policies have concomitant impacts of over production and consumption, and displace urgently required demand-side management (DSM) programs in Canada and the U.S. Defendants Quebec and Hydro-Quebec provide electricity at a fraction of its production price to the aluminum smelting industry (not even taking environmental costs into account). The Quebec aluminum smelting industry is exempt from environmental assessment.

By obscuring or simply ignoring the environmental economic and social costs of their policies and practices with respect to the James Bay project, Defendants are in contravention of the principles of sustainable and equitable development. Defendant Canada adopted the following definition of sustainable development in Canada's National Report (to the) United Nations Conference on Environment and Development, Brazil June 1992, with respect to its aboriginal peoples:

For aboriginal peoples of Canada, sustainable development means planned development that is within the carrying capacities of affected ecosystems that safeguards the cultures of aboriginal peoples, and respects their rights, values and priorities. It must also be equitable, meaning that it must achieve an adequate measure of social justice through the direct participation of aboriginal peoples in all stages of the planning process, including social and environmental impact assessment and monitoring, and ensure that the benefits accrue to these people in a manner acceptable to them. (Water Watch , July-August 1990)

Hydro-Quebec's current development plans (requiring investment/debt of C$45 400 million in current dollars over 10 years) would, during the next 15 years, add 15GW of installed capacity and 66TWh of annual energy to Quebec's existing capacity of about 26GW and 130TWh. Roughly 85 per cent of the capacity and 94 per cent of the energy would come from James Bay.

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Water Tribunal

Narmada Project:
India's largest planned environmental and human tragedy

The Problem

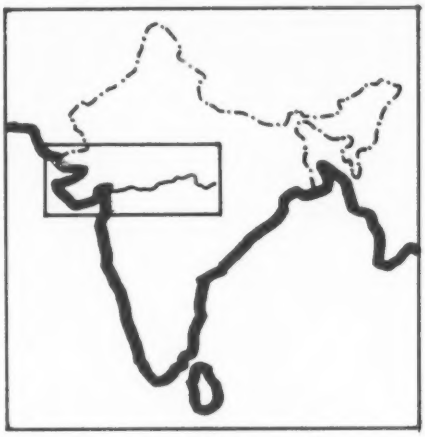
The Narmada Valley Development plan includes two major dams »Narmada sagar« in the Indian state of Madya Pradesh and »Sardar Sarovar« in the state of Gujarat. These dams will lead to the greatest social and environmental tragedy. The work on those two dams started even before the formal clearance was given to these by the Central Government of India.

But the popular movement against the project has already grown, particularly during the last three years. But despite the protest by the people to be directly affected by the dams and despite the opposition by several environmental and human rights groups and individuals, both in India and abroad, the government of India is going ahead with the work on the dams.

The World Bank, the main international financial supporter to these projects, has refused to withdraw its support even in the face of mounting global opposition which arose because of their likely social and ecological impact.

The two dams together will displace over 300,000 people living in nearly 500 villages, and they will submerge more than 130,000 hectares of land including about 56,000 hectares of good agricultural land and almost an equal area of forest.

The Narmada river originates in the Armarkantak hills in the east of Madya Pradesh, has 41 tributaries and it empties 1,300 kilometres downstream into the Arabian Sea. Her water passes through the states of Madya Pradesh, Maharashtra and Gujarat. The distribution and use of her water became the subject of interstate dispute. To resolve the squabbling, the Central Government finally set up the Narmada water Dispute Tribunal in 1979. After long deliberations and disputes the number of projects reached the figure of over 3,000, including 30 big dams, taking more than a hundred years to build.



Narmada Valley. India.

To the Indian population, the Narmada is considered to be the most sacred river.

As the construction work progressed, so did the popular movement against the dams. During the last three years, a series of protest meetings, rallies, hunger strikes, blocking of highways, demonstrations before the state assemblies and signature campaigns have been organised.

The agitation is growing stronger, particularly among the oustees of the Sardar Sarovar dam. So over 15,000 oustees, including tribals, gathered near the dam site in Gujarat to protest against the project on 22 February 1989. And over 60,000 people gathered from the Narmada valley and other parts of the country in a national rally on 28 September 1990 at Harsud village in the submergence area of Narmada Sagar.

In spite of these protests and the opposition of many eminent persons (including scientists, writers, environmentalists and judges), the vested interests are so powerful that the government is bent upon going ahead with the project.

Costs of the Narmada Dams

The likely social and environmental costs of the Narmada project will be far more than the projected benefits of irrigation and power – particularly regarding human suffering and environmental degradation.

Social Impact of the Dams

The two major dams will cause immense suffering to a large number of local people including tribals, directly by submergence of their land and villages, and indirectly through loss of forests.

The Narmada Sagar will affect the lives of over 200,000 persons in 254 villages, while the Sardar Sarovar will uproot nearly 100,000 persons, mostly tribals, living in 245 villages. The majority of the

oustees belong to Madya Pradesh. A large number of these 300,000 oustees belong to tribal communities and backward classes. They have little experience and means, to live in other areas and stay together in their old traditional social structures.

It is officially admitted by the concerned state governments that they do not have land for rehabilitation of the oustees. The compensation money received by many oustees will not enable them to buy new land for the simple reasons that land is not available or too expensive, and that many oustees are not experienced to handle such big amounts of money. And landless labourers will not get compensation money, they will not find work in new places where there are already more than required.

There is not a single example so far where people have been rehabilitated properly. Every year in India a million people are ousted from lands and homes by various projects in the name of development and »national interest«, and the majority of these displaced are reduced to destitution. They migrate to big cities in search for work and many unable to find work become beggars, starve and die.

Who has the right to uproot the lives of such a large number of people and destroy their natural resources, their homes, their emotional basis and their heritage?

Much about this has been written by APA PANT (former Indian High Commissioner to UK) in the book »the Survival of the Individual«.

Environmental Impact of the Dams

The Narmadar Sagar Dam will submerge 40,332 hectares of forest of which a great part, is still primeval, and in the Sardar Sarovar lake, another 13,744 hectares of forest will disappear – together with the former amounting to a total sum of nearly 54,000 hectares of loss of good forest.

This will lead to pressure on the neighbouring forest areas as the local population will meet their needs for fodder, food, fuel and timber from there. The oustees will moreover encroach on neighbouring forests to meet their needs for arable land. This means destruction of another 50,000 hectares of forest.

The forest in the submergence area is rich in tropical flora and fauna. Apart from destruction of the habitats and populations of a variety of valuable tree, shrub and herb species as well as animals, the dams will particularly contribute to the eradication of several rare endemic species. It should be remembered that these dams are not the only danger to Indian plant and animal species, but they very much add to a great amount of threats and destructions that have already happened and are bound to happen in the subcontinent – particularly through the size of the affected area.

As it is not possible to rehabilitate people, so it is even less possible to compensate for the loss of forest to be submerged. Apart from the fact that non-forest land is just not available, it is impossible to recreate natural forest.

It will also not be possible to relocate wild life as there are no corridors available to enable the animals to migrate to adjoining forests – apart from the fact that those forests are already fully populated with their inherent composition of species and will oppose immigration of more species and individuals. Thus the farce of compensatory afforestation is obvious.

Most possibly the canal water will not reach most of the areas in Saurashtra and Kutch as claimed by the project authorities. At least 40% of the command area of the dams will be affected by waterlogging and salinization because of the introduction of large scale canal irrigation and high evaporation. This will finally lead to loss of fertility in these areas. Various water borne diseases are likely to be caused by the canal irrigation.

Cultural Impact of the Dams

The submergence of several historical and pre-historical sites will destroy forever the evidence of history and civilization in the Narmada Valley during various phases of the Indian past. This cannot be evaluated and compensated in terms of money. Any temple and sacred place has its own spiritual and natural position in the landscape and for this reason it cannot easily be replaced.

Through the millennia of history, hundreds of small and big temples and spiritual places have been built on the banks of the Narmada river. For religious and spiritual Indians, the »Parikrama« or »Pradakshina« pilgrimage to these holy and spiritual sites used to be an opportunity to experience the beauties of primeval nature and the depths of their own inner being. Many of these places will be lost for ever, because even a replacement at another site will not fulfil the demands of spiritual efficiency. Indian culture and psyche may suffer another loss – after so many elements of Indian heritage have already been sacrificed.

Accusations

On behalf of the people's movement against the project, Mr. Ramesh Billorey and the Narmada Bachao Andolan, both India, accuse the Chief Secretary, Government of India, New Delhi, and Mr. Lewis Preston, President, World Bank, Washington, to have knowingly caused the above described tragedy in the Narmada Valley. the accusations in detail are:

– Clearance of both the Narmada dams was given without essential studies on various social and environmental aspects which are not even complete today;

– the accused have not sufficiently considered the negative effects, and continue construction, despite national and international pressure to abandon the project;

– Many spiritual, religious and historical monuments and places, including 1,000 year old temples and several prehistorical sites will be sacrificed for a project which may exist no longer than about a hundred years.

Text from the »Case Proposal, Narmada Project«, after Rames Billorey, with some additions, 1991 and 1992. ❑

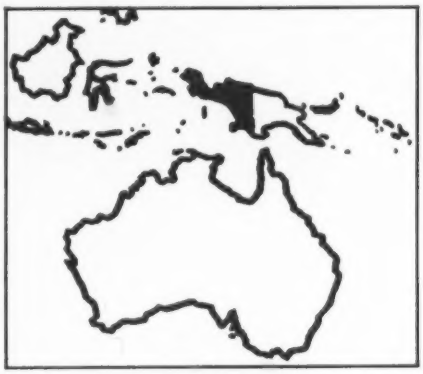
Water Tribunal

Freeport's Attack on the Futures of the Papua Peoples

Under the fifth 5-year plan, which started in 1989, East Indonesia has become the new focus of Jakarta's development efforts. As foreign debt presses hard on the government budget and the earnings from oil exports are falling, Jakarta is attracting foreign investors to the region to set up capital intensive extractive industries. Although »development« is the acclaimed aim of this policy, in effect the Indonesian government seems to be mainly interested in reaping the mineral wealth of the region, which apart from West Papua, consists of Maluku, Sulawesi, Nusa Tenggaru (including East Timor).

Also the American mining corporation Freeport-McMoran has benefited from the sudden shortness of cash of the Indonesian government. Freeport exploits a mine in the mountains of West Papua since 1967. At that time the Freeport copper mine was the first foreign investment under Suharto's »New Order«. In 1991, President Suharto signed a new contract with Freeport Indonesia inc., the company's Indonesian subsidiary responsible for the mining activities. The contract has made room for an additional $ 500 million investment program in Freeport's West Papua mining concession. The company has increased its concession area by 25,000 square kilometres and intends to double copper production and triple gold production in the next few years.

Freeport's mining activities are presented to the world as a miracle achievement, and both the Indonesian government and Freeport boast of the benefits it brings to West Papua. »We are thrusting a spearhead of development into the heartland of Irian Jaya« James Moffet, chief executive officer and chairman of Freeport McMoran, recently stated.



West Papua

Such claims, however, are highly questionable if not untrue. The mine brings little benefit to either West Papua or the Amungme people, the Papuan tribe in whose territory the company carries out its operations. In addition, there is considerable reason for concern about the environmental consequences of Freeport's activities. The mine dumps its wastes into the Aghawagong-Otomona-Ajikwa river system. Many people depend on the water of these rivers for their livelihood. Moreover, this river system constitutes the core of the so-called Lorentz National Reserve, which, from an ecological point of view is one of the most sensitive areas of the world.

Although the new contract between Freeport and the Indonesian government will bring substantial benefits to the national treasury, it brings little good to West Papua and its indigenous population. On the contrary, it seriously threatens their hopes for a better future. Below we summarize the main reasons for concern.

The Mine

The operations of Freeport Indonesia Inc. are located in the rugged highlands of the Sudirman Mountain Range. The highest peak in this range is Gunung Jaya (5050 m). It is one of the very few places in tropical zones that is permanently covered with snow. It is the homeland of the Amungme people, a Papuan tribe which has its settlements both in the highlands and in the riverine lowland in the South.

The company's current operations focus on two mountains, called (in Dutch) Ertsberg and Grasberg. The initial project was at Ertsberg, which the local Amungme people call Jelsegel-Ongopsepel. The open-pit mine of Ertsberg is situated at a height of nearly 3,600 meters. It is perched on the edge of a high glacial valley more than 120 km inland from the southern coast of the island, and nearly a day's journey inland by road and river barge from the swampy shores of the Arafura sea. The nearest supply base in more than 1600 km away in Cairns, Australia. 'Jakarta, where the country's administrative decisions are made is even further away.

Copper in this area was first reported in 1936 by the Dutch geologist J. Dozy who was on a petroleum exploration mission for Shell Oil. One mineral company after another dicounted the commercial feasability of the site because of its isolation: it required a 3-week jungle trek and a mile-high vertical climb to reach Ertsberg. Eventually, the advance of helicopter technology in the 1960s, along with skyrocketing copper prices on the world market, gave the Ertsberg commercial proportions.

This, together with the takeover of the administration of West Papua by Indonesia in 1963, persuaded Freeport to begin negotiations with the Indonesian government to develop the site. Freeport started

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negotiating a prospecting authority with the Indonesians in 1963. The »contract of work« was signed on 7 April 1967, whereby Freeport Indonesia Inc. became the Indonesian government's sole contractor for the production and marketing of minerals to be mined from the 100 square km concession that is centered around the Ertsberg.

More then 5 years of construction were required before commercial prodution could begin. At a cost of about $200 million (1972-dollars) the infrastructure had to be laid out. A complete new town, Tembagapura (=coppertown) for the workers as well as roads, a port (at Amamapare) and an airport (at Timika) had to be buildt. From the mining site a 1,632 meter tramway transports the ore to the mill. Here the copper concentrate is won.

A 115 km slurry pipeline moves the copper concentrate from the mill site to Amamapare. Supplies for the mine which arrive at this port must first be transferred to barges for transport 18 km upriver, because the coastal area is too swampy to support a road.

The mine began production in 1972; in December of that year the first shipping of concentrate left the harbour of Amamapare. The open-pit mine at Ertsberg is now depleted and was abolished in March 1989. Where once Jelsegel-Ongopsegel towered several hundreds of meters against the horizon, there now remains an immense pit, 250 meters deep and 350 meters in diameter. The huge mountain has been demolished and blasted apart, it has been transported down the aerial tramway, milled into copper concentrate, pumped as slurry down the 115-km slurry pipeline, and exported for smelting in Japan.

During its 16 years of production Ertsberg produced about 32 tonnes of ore. In addittion Ertsberg produced about 220,000 kg of silver and 14,000 kg of gold. Although the Ertsberg open-pit mine was abolished in 1989, considerable deposits remain in the floor and walls of the pit. They will be extracted some time in the future by underground mining.

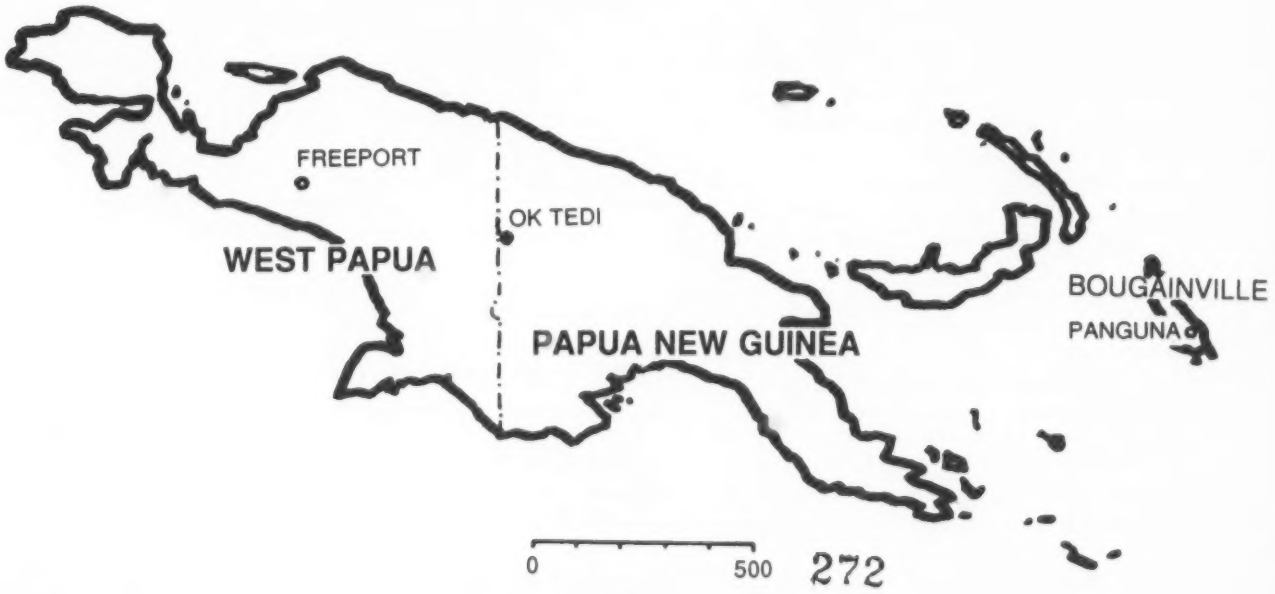
In 1989 production began from another ore body, the Deep Ore Zone (DOZ), which is vertically below the Ertsberg East ore body and slightly above the 2,980 meter level. Two major mines are currently under development: the Intermediate Ore Zone (IOZ), located beneath the Ertsberg East underground mine and the nearby DOM ore body. Although the grades of found in the new underground mines are slightly below the unprecedented riches of Ertsberg open-pit at 2.1% copper and above, they are still high by world standards.

With also the Grasberg ore body under development, prospects for Freeport are good. Under the newly signed contract, the company now has begun to develop the Grasberg, which is approximately 3 km west from Ertsberg at an altitude of 4,270 meters above sea level. Preparation for Grasberg production started in the beginning of 1990. Based on its latest reserve estimates Freeport's total ore reserve is about 483.3 million tons of ore, of which more than 350 million tonnes in Grasberg. The planned extraction rate is 20 million tons of ore per year. The total concentrate output is expected to increase from 270,000 tons per year in 1987 to at least 400,000 tons in 1990. For the 1990s Freeport expects its production to rise to as much as 800,000 tons per year. The ore is expected to contain ca 42% copper and per ton at least 186 gr. of silver and 12 gr. of gold.

Plundering of West Papua

West Papua was incorporated into Indonesia in 1963. From the start the indigenous population has resisted Indonesian authority as nationalistic aspirations are hig among the Papuans. Unlike the Indonesian peoples, the Papuans are ethnically and culturally Melanesians and therefore do not consider themselves Indonesians. Indonesia has reacted to opposition to its authority with violence, oppression and programs of forced assimilation.

In its policy towards West Papua the Indonesian government seems to be motivated not so much by the wish to improve the living standard of the indigenous popu-



lation, but by a desire to benefit from the vast areas and the wealth of reserves that the regon contains. For many years now the province has been a destination area for the transmigration program, which must relieve overpopulated Java and Bali. The program also serves a »security« purpose; by transferring »loyal« citizens the government hopes to pacify the territory, which has been a problem area since the Indonesian take-over. People from elsewhere in the archipelago in the near future threaten to outnumber the indigenous Papuans. The indigenous population suffers from the transmigration programs through the loss of land, discrimination on the labor market, and in general the clash of cultures. In the eyes of the Papuans, the transmigration program is an invasion. Their opposition is rudely crushed by the military.

With the fifth national 5-year plan now well under way, the government is rapidly giving out concessions to transnational and national companies to exploit the riches of the land. Through this large-scale exploitation West Papua now contributes substantially to Indonesian exports. West Papua's main export sectors are minerals (oil, copper, nickel, gold), marine products (coral, fish), forestry and plantations (sago palm, oil palm, cocoa).

The Freeport case fits the general Indonesian policies towards West Papua well. Using the most modern technologies, the company is rapidly robbing the West Papuan soil of its ressources. As a pioneer foreign investor, Freeport from the start enjoyed a very lenient contract, with hardly any obligation as to the support of regional or provincial development. Under the newly signed contract Freeport now has been forced to pay more in the form of corporate tax, dividends and loyalties to Indonesia. Little of this, however, is to the benefit of West Papua.

Today Freeport is Indonesia's biggest corporate tax-payer (in 1989 US$ 57 million). With also the Grasberg mine in production, the company will be one of the five lowest-cost copper producers in the world. In addition to copper, it will possess the largest published gold reserves of any operating mine worldwide. According to the governor of Irian Jaya, Barnebas Suebu, only 6 % of the tax payments of Freeport remains in the province.

Also in terms of employment, the Freeport mine is not a gold mine to the Papuan people. With an additional 2,000 workers now brought in to complete the mine expansion, the total work force is nearly 7,500 people. Less than 100 of them are Papuans, the great majority being Indonesians from elsewhere. In addition the mine employs 100 American and European expatriates and 400 Phillipinos, the latter employed for their experience in underground mining. The problem of employing local people, says Freeports vice-chairman Louis Clinton, is that the mining operation is a sophisticated one and that many positions »require a degree of education the Papuans don't have yet«.

About 300 people from villages surrounding the mining site are employed as casual workers in ancillary works. They work in the town in construction work or as gardeners. But in general the Amungme people hardly benefit from the additional work created by the presence of the mine. The expatriates sometimes employ Papuans as house maids; usually, however, these come from other parts of West Papua. The Indonesians bring in house maids from their own family, or town of origin.

The fate of the Amungme people

Freeport carries out its activities in what is the homeland of the Papuan tribe of the Amungme. These traditional landowners number about 13,000 people.

The Amungme people see themselves as the »first man«, living in harmony with nature, cultivating the land and managing the forests. They have a very close and sacred relationship with their land. The Amungme land is divided among all the 85 clans, and includes mountains, valleys and rivers. This division dates back many generations, and people today are very much aware of everyone's boundaries, established by their ancestors. In the Amungme culture, land cannot be sold. There is only the concept of renting the land up to a certain time, where afterwards the land returns to the land owner.

In the valleys, the Amungme practice shifting cultivation; a garden is cultivated for about one to two years and is then left fallow. In the gardens they plant as staple food sweet potato and cassave. The Amungme complete their meal by trapping and hunting wild pigs, cuscus and other wild mammals, wild quail, and cassowaries. In the highland areas, the Amungme people hunt and gather pandanus fruits.

The lives of the Amungme people have been severily disrupted since Freeport started its operations more than 20 years ago. They lost their rights of hunting, of cultivating the land, of gathering forest products, of walking freely across to their villages around the Gunung Biji, which is their sacred mountain. Inhabitants from the village of Waa, close to the mining complex of Tembagapura, were the only Amungme people to recieve compensation, and it was a one-time payment for direct disruption of current gardens. Their traditional hunting and gathering lands have been taken without any consultation, let alone compensation.

In June 1977, the neglect by Freeport of the rights of the Amungme people, resulted in revolt, which was brutally crushed by the Indonesian Army. The revolt culminated in sabotage against Freeport. Aided by the Papuan liberation movement OPM (Organisasi Papua Merdeka), they blew up the copper slurry pipeline. A bridge was also blown up and some Freeport oil storage tanks were destroyed by fire. The cost to Freeport was US$ 1 milion, the cost to the Amungme people was a massive military sweep, code-named Operasi Tumpas (»annihilation«). The military destroyed Amungme gardens, burned down houses and churches, and tortured amd killed men, women and children. The OPM believes thousands of people were killed. Indonesia claims it was far less, about 900.

Despite an agreement on compensation with community leaders of Amungme villages in the vicinity of the mining site, there have been continuous complaints of land rights beeing violated by Freeport. The company cleverly exploited the ignorance of the people about Indonesian law on matters of land rights. In order to confiscate land and ressources from indigenous peoples within state borders, Indonesia utilizes a law, which states that »land and water and natural riches therein shall be controlled by the state as the highest authority to control their utilization for the well-being of the whole people«. Also used is the Agrarian Law, which only permits shifting cultivators rights to land currently under cultivation.

The Amungme people have experi-

enced continuous forced resettlements. Also in the resettlement programs, Freeport closely collaborates with the Indonesian authorities and military. In 1978-1979, Freeport joined in the BANPRESS (Presidential Aid) Program to resettle Amungme people in the new village Kampung Harapan Timika (Timika Village of Hope). Early 1984, the company donated US$ 200,000 to an integrated resettlement program by the Military Commander and the regional government.

Under this ao-called »Crash Resettlement Program«, 1,171 from the Mimika Timur and Amimuga sub-districts were moved as a response to severe disturbances around the Freeport work area. From 1981 to 1986, Freeport took part in the »Joint Resettlement Project« by the regional government and BPPT (Agency for the Assesment and Application of Technology) by preparing the infrastructure at a total cost of US$ 200,000.

The Amungme people who are resettled to the lowlands of Mimika face many hardships. The climatic conditions and terrain are very different as compared to the cool, moist athmosphere of their homelands around Gunung Biji. Besides the climate, the houses built for them are usually unsuitable. Many people could not stand the situation and tried to return to their traditional homelands. They were immediately brought back to the lowlands by jeeps.

In 1977, Amnesty International reported that people who returned to their homelands were welcomed by the Indonesian military who locked them in steel containers. Thirty men were reported to have been incarcerated in total darkness for three months in the middle of the mining site, not far below the glacier where night temperatures approach freezing point.

Many petitions from dispossesed people were sent to the authorities. One petition dated 25 may 1980 was published by Tapol. Addressed to the governor, it contains a litany of complaints: Papuans are treated like dogs who must scavenge from garbage bins in order to survive. No services are provided for them either by the government or the company. They have strong desire to make progress but do not get the opportunity either to work or go to school. In Tembagapura,local inhabitants are not permitted to buy anything in the shops. They feel treated like foreigners in their own land.

In June 1980, an epidemic swept through the resettlement, killing 216 children, more then 20% of the infant population. Undernourishment seems to have been the reason for the high death toll. The Amungme people are cultivators by tradition, but in the resettlement they have to rely on scarce supplies of sago and poor fishing grounds. In addition, the people are threatened by metal oxide pollution of the Otomana river. An Indonisian doctor working at the health centre in Timika began observing a growing fraquency of gum discoloration in his patients, normally a sign of copper or lead poisoning. Just as he was about to investigate further, he was transferred to the provincial capital and prohibited by his superiors from pursuing his study.

The environmental consequences

As most industries, copper mining can cause great environmental damage. In Indonesia, the development of legislation against pollution is still in an infant stage. For Freeport this seems to be an invitation to abuse. Numerous reports indicate that its activities cause great environmental damage. The mine dumps its waste rock in the Aghawagong-Otomona-Ajikwa river system. In the lowlands below the mining site thousands of people live who,for their livelihood, critically depend on the water of these rivers.

The mining operations, moreover, borders on the Lorentz National Park. The reserve stretches from the equatorial glaciers of the highest mountains of Southeast Asia through a complete spectrum of alpine, sub-alpine, montane, lowland and swamp forests to the coastal mangroves of the Arafura sea. The park is the largest, most diverse and richest protected area in Indonesia.

The isolated location of the mine makes it difficult for independent observers to fully examine the damage which the mine does to the environment. Moreover, the company rigidly controls access to its concession, making investigation almost impossible. Transit airline passengers are prevented from leaving the local airport compound by barbed-wire fences, double doors and guards. The site itself is guarded by 100 Indonesian military personnel.

In 1990 the Indonesian State Minister for Population and Environment convinced Freeport to hire scientists from the university of Jayapura to do an environmental impact analysis of its whole mining operation. The research, however, was allegedly biased. Using the company's planes and laboratories, the team was able to collect water samples from the river and analyze them in record time. Predictably, the study found only nominal mineral traces and concluded there was no harmful environmental impacts. The company itself says that samples taken from the river meet stringent drinking-water standards set by the US Environmental Protection Agency.

Fortunately, the lack of research data can be overcome by applying the findings from two copper and gold mines in neighbouring Papua New Guinea to the Freeport case. All three mines operate in similar environments and their production processes are virtually the same. One, the Ok Tedi mine, is located in the same mountain range as the Freeport mine just across the border in the upper reaches of the Fly River. The other is the Well known Panguna mine on the island of Bougainville. The latter has recently been shut down under pressure of the local population at great economic and political cost to both the PNG government and the mine's Australian owners.

Using the data of these two mines and applying them to the Freeport case, we have made an assesment of the probable environmental damage which the mine causes. The expected environmental impact of the Freeport mine are summarized in the table below.

Two major environmental problems are connected with copper mining in general: the bulk of waste mine material, and the development of acid mine water in this material. In the case of Ok Tedi and Panguna only 1% of the material mined consists of concentrate to be exported. The rest, that is 99% of mine material is waste material and is dumped in the environment.

The ore deposits are covered with a layer of soil with a lower metal content. This material (overburden) is removed and placed in the area surrounding the mining site. As to Freeport's operation at Grasberg, it is known that an area with rare Alpine vegetation (the so-called Carstentz Meadow) will be filled with this waste

material. Once covered with overburden, restoration of Carstentz Meadow will be practically impossible.

After excavation the ore is transported to the mill. Here the ore is flotated in water in order to separate the copper concentrate from the bulk of ore material (tailings). All three mines discharge the tailings, which still contain a substantial amount of copper and other metals, with the flotation water into the upstream of their respective river systems. This material is for a large part deposited downstream in the river bed or on the flood plains alongside the river. In both Ok Tedi and Panguna about 40% of the tailings is deposited on the floodplains and 60% in the estuary, delta and sea. In the overburden and tailings several chemical processes may occur that lead to a build-up of acids and heavy metals in soluble form, which are transported into the ecosystem. The polluted water stream emanating from the waste material is called leachate. For both Ok Tedi and Panguna it has been shown that the water in their respective river systems is severely polluted. Also in the case of Freeport leachate from the tailings affect fish life, with severe consequences for fishery activities downstream from the mine. Moreover, the river water is unfit for drinking. The acid water is highly poisonous. Also the plants that grow on the flood plains are contaminated with heavy metals and are poisonous for both man and animals. The flood plains therefore become unfit for agricultural production.

In the case of Panguna leachate and tailings continued to contaminate the river water with soluble copper even after the shutdown of the mine. This contamination may continue for years, perhaps decades. Arsenic has been measured in the Ok Tedi river in a concentration that was well above acceptable levels

It is possible that also a large area in the estuary is contaminated. This contamination may affect many species of fish and water animals. Due to the inaccessability of the estuary, it is practically impossible to sanitize this area once the damage is done. Little is known about the consequences of the contamination of the sea.

The environmental impacts of the Freeport mine thus are serious. The situation is probably worse than the Ok Tedi mine and comparable with the closed Panguna mine in Bougainville.

Conclusion

The Freeport mines bring benefits only to the Indonesian treasury, but not to West Papua and the Amungme people. On the contrary, the mining operations are an outright attack on the Papuan peoples. The profits disappear to Jakarta and abroad, and the mine has had little »spin-off« in terms of employment opportunities for the local people. The Amungme people have been robbed of their homelands and means of existence. In addition, the mine destroys the ecosystem, thereby damaging not only their present but also their future.

Its geographic isolation, enhanced by military control, enables Freeport to be indifferent to the impact of its operations. It seems essential that pressure be put both on the American company and on the Indonesian government to allow for genuine independent environmental and social impact studies. The result of such studies should be publicly discussed. An open debate should lead to a decision on continuation of the mine.

The Amungme people must be partner in such a discussion. Only when communities affected by the impact of mining operation have secured the right of veto over Freeport projects, and when they have full access to independent environmental and social studies as a basis from which to exercise such influence, will the needs of the local people begin to be addressed. ❑

Source: Study & Information Centre Papuan Peoples

Impact	Severity	Space horizon	Time horizon
a. Destruction of ecosystem at mine site	Destruction of rare ecosystem, impact on nearby nature reserve	5 km^2	>100 years
b. Leachate from mine site	?	5 km^2	15 - ? years
c. Air pollution	?	?	?
d. Tailings deposits on floodplains	Destruction of agricultural land. Vegetation and groundwater are poisonous.	35 km^2	35 years
e. River water pollution	Upstream river is poisonous for fish and man.	20 - 40 km river reach	15 - ? years
f. Contamination of estuary and delta	Contamination of vast area. Negative effects on important food chain	100 km^2	> 100 years
g. Contamination of sea	?	?	?

Environmetal impacts of Freeport's Grasberg copper mine in West Papua

Water Tribunal

Brazil: Mercury Pollution in the Tapajós Valley

Plaintiff: Grupo de Defesa da Amazonia Defendants: Federal Republic of Brazil. Pará State Government

The use of mercury in goldmining areas in Tapajós Valley is associated with various environmental impacts that today are threatening the life of the inhabitants of the region.

Heavy gold extraction activities brought the increasing and excessive use of mercury, as a gold concentration factor.

Today it is quite evident that the amount of mercury disposed in the river over 30 years, is causing serious illness and even death.

The present Brazilian Government's policy does more to facilitate than to fight this threat to the environment. Various environmental projects concerning control, fiscalization and education towards the use of mercury, were elaborated, such as »NOSSA NATUREZA« (Federal Government, 1989) and »Camga Tapajós« (State Government, 1990). Unfortunately, these have been disregarded by federal and state governments and have not been put into practice.

Today, the Tapajós river's population is a victim of the consequences of the indifference of the responsible governments toward a solution for this problem.

Facts

Location

The facts presented are limited to one region, though we must consider that in Brazil, this is not a isolated case, but there are many simultaneous similar cases which vary in greater or lesser importance.

Here we present a study of happenings, research, and true cases, extracted from

Tapajos Valley

the reality of the Garimpo areas of the Tapajós Valley region.

The Tapajós river system is formed by the Tapajós river and its tributaries, located on the south margin of the Amazon river, in Para state, running across Santarem, Aveiro and Itaibuta counties, in a riverbed of about 2000 Kilometres.

The politic of garimpagem

Garimpagem (Brazilian word for irrational goldmining) in Tapajós region is not a recent event, for there are records about manual gold exploration by Indian inhabitants of the region, who worked under the supervision of Jesuit missionaries, during the eighteenth century. However, exploration has greatly increased since 1958 in the area of small rivers next to the springs which are called: Jamanxim river, Crepore river, Creporizinho river,Pacu'river, das Tropas river and others.

The great amount of gold discovered in the river springs, brought more and more explorers, increasing dramatically the extent of garimpo in this area. »The extraordinary development of garimpos in Tapajós river, which turned this province into the biggest and richest gold area of Brazil, with 60 percent of the total gold production of the whole country, has direct linkage to a type of symbiosis that the region's development had with aviation«. (Unquote: Lestra, A.D., Nardi, J.I.S.: O Ouro na Amazonia Oriental; mito e a realidade, Second Edition, Belem, Grafisa, 1984). It is true that the decade of 1980 was the peak period in garimpo.

Mercury

Mercury is a heavy metal that can be linked to other metal elements. Therefore it is used to extract gold with which it becomes an amalgam. In order to separate gold from mercury the amalgam is heated and mercury vaporizes. It is used in liquid and metal forms.

Brazil has no mercury production

Brazil does not produce mercury. The internal consumption of mercury comes entirely from imports. CACEX, an organ linked with the Brazilian Bank, responsible for the imports-exports in Brazil, informs that Mexico and the Netherlands lead the list of those countries which furnish mercury to Brazil. The imports of mercury to Brazil between 1972 and 1989 reached 3,121 tons.

According to one of Brazil's main newspapers, the Jornal do Brazil (16th October,

1991), of the 337 tons imported in 1989, 210 tons were destined for gold extraction.

The quantity of mercury used

Firstly, it is important to emphasise that the region in question is a major garimpo area in the country. This is proved from furnished facts.

Garimpo exploration is carried out mainly at the river springs, in this case large and small tributaries of the Tapajós river. The river gravels measure an average of 10 X 10 metres, producing from 500 to 800 grams of gold, using 1 to 2 kg of mercury (an average of two grams of mercury for one gram of gold).

According to DNPM (National Department of Mineral Production), an organ linked to the Federal Government, with basics on gold production during the years 1980-1989, it is estimated that up to now about 1800 tons of mercury has been spread out into the environment with negative effects, contaminating food and the ecosystems of the region.

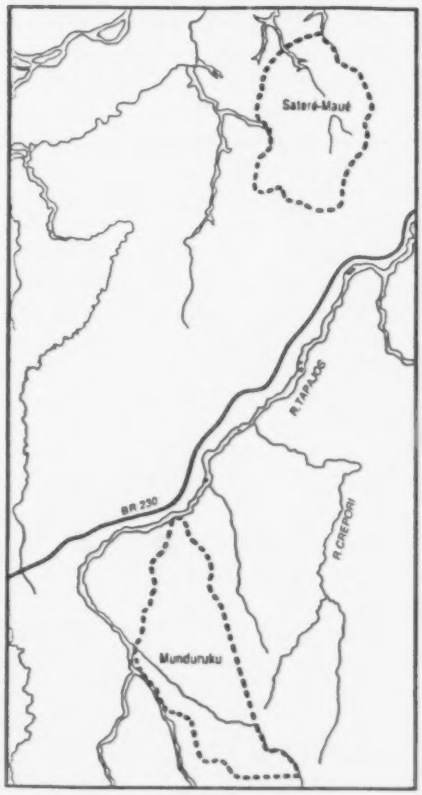
Government Control of the mercury

Due to the indiscriminate use of metallic mercury and the new legislation to safeguard the environment, the federal government, by force of Decree no 97.634, 10th April 1989, named IBAMA (Brazilian Institute of the Environment, and of Natural Renewed Resources) as responsible for the control of mercury. Up till now no one really knows of the efficacy of this legal norm, because the use of mercury has gone beyond the control of the government, after its legal entry into the country (not considering smuggling). The attempt to control the situation through legislation is no more than empty rhetoric.

The environment

By the end of the 70's with the aim of increasing gold production, and thus exhaust the region's resources, Big Capital was invested in garimpo, through processes of mechanization and diversification of accessories for gold extraction. Mercury then started to be used in a systematic and abusive way.

The mechanization took the form of the introduction of heavy equipment such as dredgers and grabs; powerful suction



The Satere-Mawe *and* Munduruku *people are affected by the gold mining activity*

pumps, explosives, rafts, etc. This process has broadened the potential space for garimpo, with the subsequent transformations that took the form of the cutting down of large areas of forest, pollution of river beds, blockage of the natural river, creating very large quantities of mud and opening large craters as garimpo advanced throughout the region.

Characteristics of the region

The Federal Government through Law no 882, July, the 28th, 1983 chose this area as a legal territory for garimpagem, creating a boundary of 2.874.500 hectares for these ends. According to this law this area deserves special attention from public authorities concerning effective control and rational infrastructure, exactly as determined by law.

The region has a population of about 800.000 inhabitants (broken down as follows: a) Indians: 7.215 inhabitants (tribes of the Munduruku, Kaiabi *and* Satere-Mawe *people); b) people of river communities 196.334 inhabitants; c) Garimpeiros: approximately 150.000 inhabitants (according to DNPM, in Folha de Sao Paulo, fl. 1-7, 11/12th/91 – about 219 thousands garimpeiros are in the Amazon region, more than half of this total in Tapajós' Garimpos. The garimpeiro population is basically migrant people who settle in garimpo areas as an alternative for survival.*

Their communuties have specific characteristics such as: fluctuating population, gathered in hundreds of small nuclei of high density around the regions of the springs. Many of them return to their place of origin according to the periodicity of gold production (caused by flood and drought of the river).

The environment as a whole is also exposed to mercury pollution and the ecosystems are very varied along the Tapajós river: animal and plant populations are organized in the following systems:
– Riverbed: innumerable fish species, turtles, reptiles and mammals;

– Flooded forest: it is a very specific aquatic vegetation used periodically by fish for reproduction and by fauna in general; - rainforest vegetation: high diversity of animal and plant population;

– Amazonic Savannah vegetation: low rainfall, specific animal populations, various species of medical plants. Some researchers believe that this type of ecosystem is a result of the Indian populations' forest.

Basic means of living of local human population is:
– fishing and hunting;

– production of corn, rice, beans, manioc, fruits etc;

– collection and extraction of: castanja-do-Para' (Brazilian nut), medicinal barks, herbs and oil, tropical fruits, wood, latex and gold.

Their basic food is fish and manioc meal. The water is generally used directly from the river without any treatment.

Brief considerations of a social, political and economic natur

In river communities the majority of rural workers do not have legal possession of the

land. There are land conflicts in the region. People do not have systematic medical care, not even a first aid office. They do not have dental care in or near their communities. Available schools in general can teach only up to 4th grade of Primary school, without minimum comforts. People have very few means of transportation for commercialization of their products.

The above mentioned points have a lot of influence on the population's choice towards garimpagem activities. These are part of the reason why garimpagem became of fundamental economic importance for this region.

It is necessary to make clear that the wealth produced by gold extraction is concentrated within a small number of people, mainly groups from the south of Brazil and mining companies that can provide money to set up mechanized garimpos and pay for the work force.

The life quality of the population has not changed much with this economic development but is has suffered social and political changes such as disintegration of family life (as a result of family members living by garimpo), a high level of prostitution, even among young girls, violence without precedence, and smuggling of weapons and drugs (in organized groups).

Working conditions could be classified as semi-slavery, as the workers are hired without legal-rights, and there is a high incidence of malaria and veneral diseases (according to SUCAM, an organ of the Ministery of Health).

Small groups or rich individuals uphold the political power in a system of personal advantages within the region, therefore local politicians do not tolerate oppinions that are contrary to the wishes of the rich and powerful.

The percentage of gold smuggled out of the country is very significant, creating losses in terms of tax collecting and losses concerning possible investments in areas of need such as North East and Center-South of the country.

❑

New IWGIA Document

ROADS, INDIANS AND THE ENVIRONMENT IN THE AMAZON
FROM CENTRAL BRAZIL TO THE PACIFIC

by Mauro Leonel $ 13

Statement of the International Alliance of the Indigenous-Tribal Peoples of the Tropical Forests, Penang, 1992

Rain Forest areas

1. We, the indigenous-tribal peoples of the tropical forests, present this charter as a response to hundreds of years of continual encroachment and colonisation of our territories and the undermining of our lives, livelihoods and cultures caused by the destruction of the forests that our survival depends on.
2. We declare that we are the original peoples, the rightful owners and the cultures that defend the tro-pical forests of the World.
3. Our territories and forests are to us more than an economic resource. For us, they are life itself and have an integral and spiritual value for our communities. They are fundamental to our social, cultural, spiritual, economic political survival as distinct peoples.
4. The unity of people and territory is vital and must be recognised.
5. All policies towards the forests must be based on a respect for cultural diversity, for a promotion of indigenous models of living, and an understanding that our peoples have developed ways of life closely attuned to our environment.

Therefore we declare the following principles, goals and demands:

Respect for our rights

6. Respect for our human, political, so-

cial, economic and cultural rights, respect for our right to self-determination, and to pursue our own ways of life.

7. Respect for our autonomous forms of self-government, as differentiated political systems at the community, regional and other levels. This includes our right to control all economic activities in our territories.
8. Respect for our customary laws and that they be incorporated in national and international law.
9. Where the peoples so demand, nation states must comply with the different treaties, agreements, covenants, awards and other forms of legal recognition that have been signed with us indigenous peoples in the past, both in the colonial period and since independence, regarding our rights.
10. An end to violence, slavery, debt-peonage and land grabbing; the disbanding of all private armies and militias and their replacement by the rule of law and social justice; the means to use the law in our own defense, including the training of our people in the law.
11. The approval and application of the Universal Declaration of Indigenous Peoples, which must affirm and guarantee our right to self-determination, being developed by the United Nations, and the setting up of an effective international mechanism and tribunal to protect us against the violation of our rights and guarantee the application of the principles set out in this charter.
12. There can be no rational or sustainable development of the forest and of our peoples until our fundamental rights as peoples are respected.

Territory

13. Secure control of our territories, by which we mean a whole living system of continuous and vital connection between man and nature; expressed as our right to the unity and continuity of our ancestral domains; including the parts that have been usurped, those being reclaimed and those that we use; the soil, subsoil, air and water required for our self reliance, cultural development and future generations.
14. The recognition, definition and demarcation of our territories in accordance With our local and customary systems of ownership and use.
15. The form of land tenure will be decided by the people themselves, and the territory should be held communally, unless the people decide otherwise.
16. The right to the exclusive use and ownership of the territories which we occupy. Such territories should bi inalienable, not subject to distraint and unnegotiable.
17. The right to demarcate our territories ourselves and that these areas be officially recognised and documented.
18. Legalise the ownership of lands used by non-indigenous peoples who live within and on the forests' margins in the areas that are available once title has been guaranteed to the indigenous peoples.
19. Land reforms and changes in land tenure to secure the livelihoods of those who live outside the forests and indigenous territories, because we recognise that landlessness outside the forests puts heavy pressure on our territories and forests.

Decision-making

20. Control of our territories and the resources that we depend on: all development in our areas should only go ahead with the free informed consent of the indigenous people involved or affected.
21. Recognition of the legal personality of our representative institution and organisations, that defend our rights, and through them the right of collectively negotiate our future.
22. The right to our own forms of social organisation; the right to elect and revoke the authorities and government functionaries who oversee the territorial areas within our jurisdiction.

Development Policy

23. The right to be informed, consulted and, above all, to participate in the making of decisions on legislation or policies: and in the formulation, implementation or evaluation of any development project, be it at local, national or international levels, whether private or of the state, that many affect our futures directly.
24. All major development initiatives should be preceded by social, cultural and environmental impact assessments, after consultation with local communities and indigenous peoples. All such studies and projects should be open to public scrutiny and debate especially the indigenous peoples affected.
25. National or international agencies considering funding development projects which may affect us, must set up tripartite commissions – including the funding agency, government representatives and our own communities as represented through our representative organisations – to carry through the planning implementation, monitoring and evaluation of the projects.
26. The cancellation of all mining concessions in our territories imposed without the consent of our representative organisations. Mining policies must prioritise, and be carried out under, our control, to guarantee rational management and a balance with the environment. In the case of the extraction of strategic minerals (oil and radioactive minerals) in our territories, we must participate in making decisions during planning and implementation.
27. An end to imposed development schemes and fiscalincentives or subsidies that threaten the integrity of our forests.
28. A halt to all imposed programmes aimed at resettling our peoples away from their homelands.
29. A redirection of the development process away from large scale projects towards the promotion of small-scale, initiatives controlled by our peoples. The priority for such initiatives is to secure our control over our territories and resources on which our survival depends. Such projects should be the cornerstone of all future development in the forests.
30. The problems caused in our territories by international criminal syndicates trafficking in products from plants like poppy and coca must be

Pygmy family from Efe *people, resting during a trek in the forest* Hu. *Photo: Espen Wæhle.*

confronted by effective policies which involve our peoples in decision-making.

31. Promotion of the health systems of the indigenous peoples, including the revalidation of traditional medicine, and the promotion of programmes of modern medicine and primary health care. Such programmes should allow us to have control over them, providing suitable training to allow us to manage them ourselves.
32. Establishment of systems of bilingual and intercultural education. These must revalidate our beliefs, religious traditions, customs, and knowledge; allowing our control over these programmes, by the provision of suitable training, in accordance with our cultures; in order to achieve technical and scientific advances for our peoples, in tune with our own cosmovisions, and as a contribution to the world community.
33. Promotion of alternative financial policies that permit us to develop our community economies and develop mechanism to establish fair prices for the products of our forests.
34. Our policy of development is based, first, on guaranteeing our self-sufficiency and material welfare, as well as that of our neighbours; a full social and cultural development based on the values of equity, justice, solidarity and reciprocity, and a balance with nature. Thereafter, the generation of a surplus for the market must come from a rational and creative use of natural resources developing our own traditional technologies and selecting appropriate new ones.

Forest Policy

35. Halt all new logging concessions and suspend existing ones, that affect our territories. The destruction of forests must be considered a crime against humanity and a halt must be made to the various anti-social consequences, such as, roads across indigenous cultivations, cemeteries and hunting zones; the destruction of areas used for medicinal plants and crafts; the erosion and compression of soil; the pollution of our environment; the corruption and enclave economy generated by the industry; the increase of invasions and settlement in our territories.
36. Logging concessions on lands adjacent to our territories, or which have an impact on our environment, must comply with operating conditions – ecological, social, of labour, transport, health and others – laid down by the indigenous peoples, who should participate in ensuring that these are

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complied with. Commercial timber extraction should be prohibited in strategic and seriously degraded forests.

37. The protection of existing natural forests should take priority over reforestation.
38. Reforestation programmes should be prioritised on degraded lands, giving priority to the regeneration of native forests, and not being restricted only to timber values.
39. Reforestation programmes on our territories should be developed under the control of our communities. Species should be selected by us in accordance with our needs.

Biodiversity and conservation

40. Programmes related to biodiversity must respect the collective rights of our peoples to cultural and intellectual property, genetic resources, gene banks, biotechnology and knowledge of biological diversity; this should include our participation in the management of any such project in our territories, as well as control of any benefits that derive from them.
41. Conservation programmes must respect our tights to the use and ownership of the territories we depend on. No programmes to conserve biodiversity should be promoted on our territories without our free and informed consent as expressed through our representative organisations.
42. The best guarantee of the conservation of biodiversity is that those who promote it should uphold our rights to the use, administration, management and control of our territories. We assert that guardianship of the different ecosystems should be entrusted to us, indigenous peoples, given that, we have inhabited them for thousands of years and our very survival depends on them.
43. Environmental policies and legislation should recognise indigenous territories as effective 'protected areas', and give priority to their legal establishment as indigenous territories.

Intellectual Property

44. Since we highly value our traditional technologies and believe that our bio-technologies can make important contributions to humanity, Including 'developed' countries, we demand guaranteed rights to our intellectual property, and control over the development and manipulation of this knowledge.

Research

45. All investigations in our territories should be carried out with our consent and under joint control and guidance according to mutual agreement; including the provision for training, publication and support for indigenous institutions necessary to achieve such control.

Institutions

46. The international community, particularly the United Nations, must recognise us indigenous peoples as peoples, as distinct from other organises social movements, non-governmental organisations and independent sectors, and respect for our right to participate directly and on the basis of equality, as indigenous peoples, in all fora, mechanisms,processes and funding bodies so as to promote and reguard the future of the tropical forests.

Education

47. The development of programmes to educate the general public about our rights as indigenous peoples and about the principles, goals and demands in this charter. For this we call on the international community for the necessary recognition and support.
48. We indigenous peoples will use this charter as a basis for promoting our own local strategies for action.

Charter and Resolution signed and approved by:

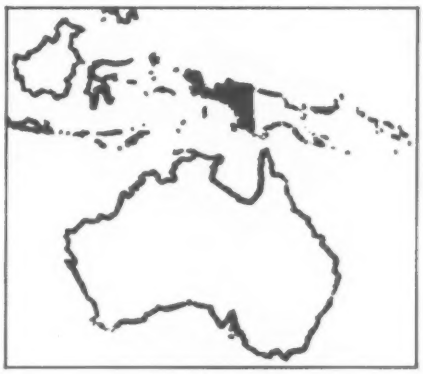
Vicente Pessoa, Confederacion Indigena del Oriente de Bolivia
Freddy Mathew Sitau, Sahabat Alam Malaysia (Sarawak)
Bah Tony Williams-Hunt, Centre for Orang Asli Concerns, Malaysia
Jok Jau Evong, Uma Bawang Resident's Association, Sarawak, Malaysia
Bonarge Pacheco, Congreso Embera, Panama
Jose Dualok Rojas, Asociacion Cultural Sejekto, Costa Rica
Wan Kang, Sarawak Penan Association, Malaysia
Montree Chantawong, Project for Ecological Recovery, Thailand
Raajen Singh, Asia Indigenous Peoples Pact
Luingam Luithui, Naga Peoples Movement for Human Rights, India
Marylyn Quierrez, KAMP – National Federation of the Indigenous Peoples of the Philippines
Valerio Grefa, COICA – Coordinating Body for the Indigenous Organisations of the Amazon Basin
Emerita T. Marrero, Cordillera Peoples Alliance, Philippines
Viktor Kaisiepo, West Papua Peoples Front
Ariel Araujo, Centro Mocovi 'Ialek Lava'a, Argentina
Javier Armato, Asociacion Civil Indigena de Pueblos Yukpa, Venezuela
Thomas Jalong, Sahabat Alam Malaysia (sarawak)
Francois Munyeshuli, Association for Promotion of Batwa, Rwanda
Antonius Napitupulu, Association of Siberut People, Indonesia
Felix Tiouka, Association des Amerindiens de Guyane Francaise, France
Raymond Abin, Sahabat Alam Malaysia (Sarawak)
Roberto Espinosa, COICA – Cordinating Body for the Indigenous Organisations of the Amazon Basin (Asesor)
Daniel Cabixi, Comite Intertribal: 500 Anos de Resistencia, Brazil
Jeoffrey Tating, Sahabat Alam Malaysia (Sabah)
Edward Nyipa, Sahabat Alam Malaysia (Sarawak)
Maximiliano Ferrer, Congreso Kuna, Panama
Bardie Sawai, SPATF/NANGO, Papua New Guinea
Penny Atkinson, Amerindian Pioples Association, Guyana

Penang, Malaysia, 15 February 1992 ❑

West Papua: Forest Dwellers Fight Logging Threat in Indonesian New Guinea
Last Stand of the Moi People

The *Moi* people of West Papua (Indonesian New Guinea) are fighting to save their forest homeland from destruction at the hands of the Intimpura logging company. What follows is a report of the first investigation conducted by outsiders into their plight. It would appear that the Moi are the first group to mount organized resistance against the massive industrial logging operations which has recently begun on the West Papuan mainland. As such their case is extremely significant, and we feel it is urgent that it be brought to the attention of the international community.

New Guinea is the world's second largest island, and, with almost one thousand distinct peoples and languages – one-fifth of the world's total – is the most culturally diverse place on earth. It has the most extensive tropical rainforest remaining in all of Asia and Oceania. Now that the great Southeast Asian rainforest has been largely destroyed, major logging companies are turning their attention to this last readily available supply of tropical timber. The western half of the island was annexed by Indonesia in the 1960's, and is now officially known as the province of Irian Jaya. (The eastern half is the independent country of Papua New Guinea.) The Indonesian president recently proclaimed road-building in Irian as a national priority; from all sides 'Highways', which in fact serve as logging roads, are being pushed into what has been until now inaccessible territory. Vast areas of the province have been granted as concessions to timber companies, without consent of, or even consultation with, the hundreds of indigenous peoples who have occupied these lands for the last forty thousand years.



West Papua

One of the most immediately threatened peoples is the Moi. Numbering almost four thousand, they live on the extreme western tip of the island – on the »beak« of the so-called Bird's Head Peninsula, in the environs of the town Sorong (officially Kabupaten Sorong – 'Sorong Regency'). The Indonesian government has awarded to PT Intimpura (PT = 'Ltd.') a vast 339,000 hectare logging concession in the heart of Moi ancestral land.

According to government regulations, logging in concessions is selective. This sounds environmentally benign; however, studies conducted by the WWF suggests that selective logging removes approximately one third of the natural cover, even where only seven trees are cut per hectare. When one great tree falls it will often take several smaller ones with it. Each log must be skidded out to the main road by heavy machinery, resulting in dense network of bulldozer tracks trough the area. Data published by the FAO indicate that fully half of the residual stands of timber are damaged during the extractive process. Furthermore, logging regulations in Indonesia are rarely enforced, and the damage is often worse than just described. Replanting is supposed to occur, but is almost never properly monitored, due to a lack of government inspectors.

A particular problem in the Intimpura concession is the careless construction of logging roads. These are routinely built over minor streams without the provision of culverts; the result is a roadside string of standing pools, which produce unusually high concentrations of mosquitoes and present the threat of malaria and other diseases. Furthermore this disruption of the natural water system jeopardizes the long-term recovery of the forest. Perhaps the greatest danger, however, lies in the very existence of these roads; they will permit the entry of more loggers, both legal and illegal, poachers, and settlers.

For almost a year the Moi people have been resisting the encroachments of the logging company. They have met at least six times with representatives of the Company, the Forest Service, and the Local Government, to protest the logging operations on their land. On November 11, 1991, over 80 men and women accompanied by their children vociferously demonstrated in front of the local Forest Service office. Four days later about 100 demonstrators

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from all seven Moi kecamatan (counties) demonstrated outside the office at the *Bupati* (regent) of Sorong, where a meeting was being held between their representatives, the Local Government, the Forest Service, the Company, and the Indonesian Army. The involvement of the latter is not surprising: in Indonesia, the army is mandated by law not only to protect the country from foreign and domestic enemies, but also to »assist in national development«. The army was the initial owner of Intimpura's logging concession, and based on Indonesian precedent, is likely to have a continuing economic interest in it. As in the previous meetings, the demonstrators and their representatives rejected the plans to log their land. For their part, the government, company and army remained firm in their policy of not recognizing any form of native land rights.

On February 25th, 1991, a group of Kelayili villagers, angered at the incursions of timber cruisers onto their land, tore down the buildings of the survey camp. On November 6th, ten villagers armed with machetes prevented sixteen surveyors from entering their territory. On December 17th, a group of people from Kelasaman and Kelayili, enraged at being denied access to their own land for the purpose of gathering firewood for their Christmas festivities, overturned and destroyed a company guard post. The company has posted signs forbidding the Moi access to the land in the concession; they in turn have posted signs forbidding the company to cut their prized damar trees (these trees are tapped for their resin which is burned as a light source). These signs threaten the company with a fine of five million rupiah (US$ 2,500) per infraction. The company ignores this threat, and continues cutting – damar is high quality timber. The people of Kelayili village have posted signs forbidding the company from entering their territory. The company has already surveyed right up to the village itself.

Prior to initiating its operations, Intimpura did not consult with any of the local people. In fact, the people of Aimas village did not know that a concession had been granted until they heard the sound of heavy machinery and trees falling. When the people protested, the company assured them that selective logging would have no impact on their livelihood, and also promised them monetary compensation to the tune of fifty million rupiah (US$ 25,000) per clan, as well as village improvements, such as a new road and electrical service. But none of this has been carried out, with the exception of a single payment of one and a half million rupiah (US$750) to be shared among all nine clans in the village. There is no sign of any further payment. In any case, it is evident that the Moi are not willing to accept a monetary solution. As one man said, »our love of nature is firm. It doesn't matter what kind of compensation they offer, we will firmly refuse it. The only thing that endures is land.«

It may already be too late for Aimas village; given the present rate of cut, the company will have completed its operations there in the next few months. It will soon move on to the territories of other Moi villages.

All land in West Papua (and New Guinea as a whole) is owned by someone, and the precise boundaries of that ownership are known and recognized by the local people. It is hard to exaggerate the degree of attachment the people feel towards their land, and the pride they have in it. As one Moi tribesman told us, »tearing down our forest is like tearing out our heart«. But unfortunately for them, the government only recognizes individual land ownership, which is an alien concept in New Guinea. Traditionally, all land is held in trust by the clan.

The Moi are forest dwellers. While they do some gardening, the bulk of their diet comes from hunting and gathering. The staple is sago (starch processed form the pith of a fast-growing palm tree), supplemented with kangaroo meet, wild pig, fish, fresh water shrimp, birds, forest greens, and wild fruit. They rarely keep pigs, and have few chickens; the only important domestic animal is the hunting dog. Given their dependence on the forest, it is safe to say that if the logging continues, they will have two choices: either remain in their ancestral homes and go hungry, or become refugees.

A team of our representatives has recently returned form a fact-finding mission in the Moi territory. As far as we know, they are the first outsiders (foreign or Indonesian) to document the current situation there. The team visited four Moi villages, and in two of them videotaped interviews with half a dozen men and women. These were ordinary people, not practised public speakers, who came forward quite spontaneously when strangers unexpectedly showed up in their villages with a television camera. They had never been on television before, and had no chance to prepare any kind of a statement. They suffered from the awkwardness of speaking a foreign language, Indonesian, which they have not fully mastered. They were nervous, not least because free speech is suppressed in Indonesia. Publicly opposing the government's development plans can be considered a crime: one can be tried for subversion for »conspiring« against »national development«. But their anger overcame their shyness and their fear. Here are some excerpts from those interviews.

1. Aimas village, a nervous man:

»All of the streams have dried up and become muddy. And the fish which we used to catch in them, have simply disappeared. ...And the water is not clear any more. It's the same with the damar trees. Also with the sago trees. And the birds of paradise have also disappeared; they have flown away to other places. ... Mosquitoes have come into the village and infest our houses. When we go into the forest to look for anything – such as cempedek fruit – we have to brush the mosquitoes off like this (brushes arm). ...We don't want PT Intimpura to continue operating here.«

2. Aimas village, a very angry woman, with a friend at her side helping her out:

»Because here, in Aimas village, we feel despair. Because they have ruined the land and everything on it, the ancient

forest which was so vast, and we receive no benefits. Now we reject them, they can't come in any more, they have to go away. Because we have to think of our children and our grandchildren who are yet to come – where are they going to find food? For us, the older people, our time is already up. It doesn't really matter so much. We the older people have already reached this date, this year of 1992. (But)...our children are growing. Where are they going to eat? Where are they going to live? Now we feel regret. Furthermore we have already given (a lot up), Aimas village (and) other villages. What is our problem? The government has come in and allowed the company to work in the territory of Aimas village. And we the village people didn't know anything about it. So now we are regretful. They can't work any more in Aimas territory! Let them go home now! We're throwing them out! We wish we'd never seen them. The company is just working away, without giving compensation to Aimas village. Why is this so? Let them go away, they can't come in here any more. Why did they come here? We never agreed.

»We are ignorant people. We want to know what's going on. ...So now we can't take it any more. Now let Intimpura just go away. We are regretful. We own every type of land. They destroy the sago orchards, the stands of damar trees, the wood and the water, there are no fish, there are no birds, there is nothing at all. So now let Intimpura just go away. ... They came in here without paying, without going through the owners of the land. They treat us, the owners of the land, as if we were nobodies. As if we were worthless people, people with no rights. But in fact we are the people who have the right (to this land), an absolute right. Why then have they come and ripped everything apart? It shows that they have no respect for the owners of the land – why is this so?

»And now I am surely speaking for all the mothers and the children and the people of Aimas, on this day, the first of January 1992, when I say: Let them just go away, let them remain here no longer, let them work no longer, let them cut no more wood. If tomorrow, or the day after tomorrow, or five days form now (they can expect to be) shot or attacked by a mob, killed, their blood shed! ...shot! ..shot! ...With machetes, hacked up!They cannot remain here! They must leave now! .....

»They have become the enemies of Aimas and Kelasaman villages. We are not informed about anything. We want to be informed. We are ignorant people. They.... are pushing ignorant people around. (They have) no respect for Aimas village.....«

3. Kelasman village, a man:

»We tore down the guard post, because they wouldn't allow us to gather firewood on our own land for our Christmas celebrations. They said we needed a permit to gather wood. Why should the people need a permit when there is no agreement between PT Intimpura and the people?

»(It's) not just for the Moi people – (it's) for the people who are unemployed in Sorong also. Where are these unemployed people going to live? Our natural surroundings are not just for the Moi people – our natural surroundings and the forest are for people in general, (for people) who will be unemployed in the whole Sorong Regency.

»...The people of Irian are a people of nature, who grow and flourish in harmony with nature...

»Intimpura is a giant company – not like a mining company. A mine operates in just one spot. But a timber company destroys the whole forest. Furthermore they use heavy machinery, not human labour. It means that everything in their path, all the growing things – whether sago, langsat, cempedek fruit... it means they are destroyed, it means where are the peoples of Irian ... in particular the Moi people – where can they thrive in the future? And what will happen to our traditional uses of our natural surroundings – such as our traditional medicines – which have always helped the Irianese people?

(In response to the following question: »If the company offers a very large compensation package, will the people accept it or refuse it?«)

»We don't want compensation of any kind, in any form (in background women's voices, »We don't want it!«). Our love of nature is firm. (more background voices asserting »we don't want it«) It doesn't matter what kind of compensation they offer, we will firmly refuse it. The only thing that endures is land. The natural environment. That is what is permanent.«

4. Kelasaman village, a mother with her child, with half a dozen other mothers and their children who gathered around her in order to be on camera as well:

»We don't want the company called Intimpura. Because we know that this Intimpura is a giant company. So we refuse to let Intimpura come in. First of all – for the sake of our children in the future. Where are they going to eat? Secondly – why should we give any more. We've already given more than half of our land to the government (expropriated for Javanese transmigration camps – ed.) This is all that we have left. We want to tell you this straight out – we cannot accept Intimpura coming onto our land. We must resist them. We have to think of the future of our grandchildren. This child for example (points to her child). On the eleventh (11 November 1991, when over eighty Moi people demonstrated in front of the Forestry Service office) mothers demonstrated with their children like this (she lifts up her child). So we are defending our land for our children's future – in the future we will need our forest. In the forest there is so much that we need, so many things necessary for our culture. By coming here you have given us this opportunity to speak our minds, and of Intimpura on our land. We don't want them. (Background voices: »We don't want them!«) We feel extremely strongly about this. It doesn't matter how much they offer to pay us. We don't accept it. (Background voices: »We don't want it!«)

First Forest Peoples Conference, 12-15 February 1992, Penang, Malaysia (initiated by: World Rainforest Movement)

Resolution on West Papua

We, the delegates to the Conference of the Indigenous-Tribal Peoples of the Tropical Forests gathered 12-15 February 1992 in Penang, Malaysia, declare our commitment and solidarity with the struggle of the

Moi people of West Papua.

The Moi people of West Papua, numbering almost four thousand, live on the extreme western tip of the island – on the »beak« of the so-called »Birds Head« Peninsula, in the environs of the town Sorong.

The neo colonialist military government of Indonesia has awarded PT Intimpura a vast 339,000 hectare logging concession in the heart of Moi ancestral land.

We demand that the Indonesian government:

- respect the traditional land ownership of the Moi people, namely their legitimate indigenous rights based on their Melanesian culture and concept towards nature;
- stop immediately all logging activities in the Moi ancestral homeland;
- compensate all damage to the people and its forests, to be paid immediately, based on the demands of the people themselves;
- stop further exploitation of all forests in West Papua without the full and free consent of the indigenous people affected;
- respect the right to self-determination of all indigenous peoples of West Papua;

We, the indigenous/tribal peoples of the tropical forests, through our Charter, demand that the Indonesian government respect the rights of all indigenous/tribal people communities in Indonesia as well as in West Papua.

Penang, 15th of February 1992

Source: News Alert ❑

DANIELA RENNER

PEOPLE ■ IN ■ BEETWEEN A ■ CASE ■ STUDY ■ ON ■ THE KUMIL ■ TIMBER ■ PROJECT, MADANG ■ PROVINCE, PAPUA ■ NEW ■ GUINEA

IWGIA DOCUMENT NO. 65 / US$ 8,-

The Bedouin in Negev

Israel

After the 1948 war and the establishment of the State of Israel, a small number of Arab-Palestinians remained under its rule, including the Bedouin in the southern district (the Negev).

At that time, sixteen Bedouin sheikhs met in Beersheba with representatives of the new state, and they were given a solemn promise that under the rule of the State of Israel, the property, honor and land of all Bedouin citizens would be honored and preserved.

Yet what in fact took place is a quite different story. After the situation was stabilized in the early 1950s, the Israeli government planned and implemented the forced concentration of Bedouin in the »enclosure area« (*syaq*) east of the Beersheba-Hebron road. The Israeli government, using military force, removed Bedouin from their original places of habitation and from their ancestral lands, and relocated them to the *syaq* concentration zone.

Once again, after 1967 and lifting of military government, the authorities decided to reduce the area for Bedouin habitation even further, a population that had grown significantly by that time, and now numbers some 75,000 persons. The post-1967 government policy focused on the establishment of seven »planned« townships lacking any economic basis. The guiding notion was that Bedouin should find employment, if possible, as unskilled workers in Jewish settlements, often a long distance from their homes.

Understandably, many Bedouin resisted this policy, since they viewed its realization as an attempt to eliminate a significant number of existing Bedouin settlements and to gain control of all Bedouin land. It is a fact that despite a whole panoply of pressures – such as the destruction of houses built by Bedouin many decades ago, the closing of schools, cessation of drinking water, confiscation of animals and refusal to provide any sort of basic services, including medical care – some 60 precent of the Negev Bedouin population have remained outside the planned townships. These Bedouin wish to stay in their existing settlements, to develop them, and to establish agricultural villages, including possibilities for animal husbandry and the raising of herds.

At the present time, there are some 75,000 Bedouin inhabitants in the Negev, most living in settlements sorely lacking in basic infrastructure and the necessary minimum elementary services. This population is engaged in a struggle for its very existence, particularly in the wake of the report submitted in 1986 by the Government Investigative Committee on Illegal Building in the Arab Sector, the so-called »Markovitz Committee«. According to recommendations of this report, some 6,601 buildings outside planned Bedouin townships are categorized as »illegal« and slated for destruction by the year 1990 (today, this figure has reached some 8,000 dwellings).

Despite the fact that the majority of Bedouin were compelled to leave their permanent places of residence in the 1950s and were concentrated in the »enclosure area« (or syaq), there is still heavy pressure being exerted on them at present by the authorities, aimed at uprooting them once again from their places of settlement. The objective is to concentrate the Bedouin population in a small number of planned townships in keeping with the wishes of the government.

This policy of concentrating Bedouin citizens in »planned« urban settlements has been in effect now for some 25 years. An assessment of the situation indicates that there has been partial success at best. To date, five planned townships (out of seven that have been approved) have been developed and settled. At present, only some 40 percent of the total Bedouin population in the Negev live in these townships, despite concerted efforts by the authorities to relocate Negev Bedouin to these settlements. The townships still lack a suitable infrastructural and economic base, and are plagued by environmental hardships. That array of factors, coupled with the fundamental dispute over land and other elements, have served as disincentives to discourage the majority of the Negv Bedouin population from settling there.

In contrast, government policy in the »spontaneous settlements«, where some 60 percent of the Bedouin population still live, is characterized by a refusal to provide infrastructural bases and elementary services, such as drinking water, education, health care, etc. within these settlements. Consequently, it is clear that existing government policy aims at eliminating such »spontaneous« hamlets by preventing the construction of new dwellings, even shacks and mobile homes. Destruction of homes and other structures continues unabated.

It is no secret that even within the gov-

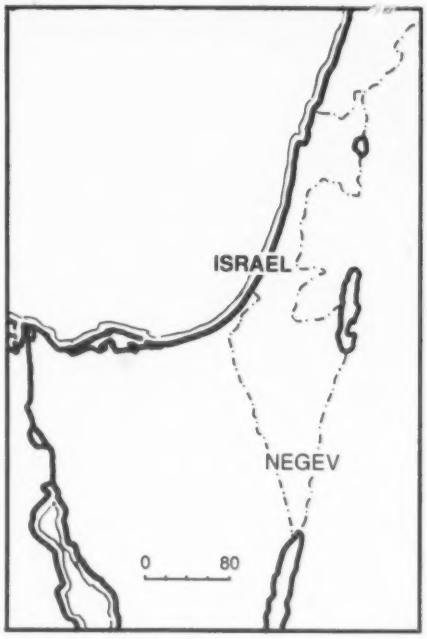
ernment there are many who concede that policies geared to concentrating Bedouin in »planned« townships have met only with partial success. Criticism is being voiced from their ranks, calling for a different planning strategy: proposed options mentioned include declaring the establishment of an additional number of planned townships, integration of agriculture as a component in planning measures or the creation of agricultural villages.

The experience of the past has taught the Bedouin a sad truth: they themselves are almost never consulted about their own wishes and preferences, and are not asked what sort of planning *they* feel is appropriate for their needs and expectations. The paradox arises that the Bedouin population has been the most marginal factor of all in the planning process *by dint of their non-participation.*

The present report is meant to provide a new perspective, one that is centered on the wishes of the Bedouin population that is primarily affected. The report presents a sketch of the current situation of the Negev Bedouin, followed by a basic plan for preferable distribution of that population, its development and advancement in accordance with the genuine needs of this group.

By the year 2000, it is estimated that the Bedouin population in the Negev will number some 120,000. As a result, their demands for education, medical care, housing, employment, infrastructure and other elementary needs will undoubtedly increase. We do not regard the one-dimensional plan of urban townships (as the sole option), i.e., current government policy, as a suitable solution to the problems of the Bedouin population as a whole. For that reason, we have developed a proposal outlining a balanced system of settlements, diversified and scaled in character. Our recommendation is based on the existing distribution of the population, with changes in accordance with tendencies present in the field as revealed by empirical surveys and research. The proposed system of settlements will be integrated within the existing structure of local and national settlement.

The objective of this plan is to reduce the existing gap between what is desirable from the Bedouin perspective and the best existing practicable option for achieving a quality of life in harmony with the human and physical environment of the Bedouin.



The aims of the plan are based on this goal, and can be realized by diverse and flexible means.

The point of departure for the plan presented here is the community affected: the Negev Bedouin population. At present, that population is varied in character and caught up in a acute process of transition and socio-cultural change. This diverse population is also entitled to an array of deversified solutions, forms of settlement and possibilities for employment and livelihood. How else can one provide a proper answer to the developmental problems of a population stemming from a tribal background now in transition? This background is shaped by deeply-rooted traditions alongside modern development (in the broader sense of the term), a traditional leadership alongside young activists, a younger educated generation side by side with an older, traditionally oriented generation of their fathers. The population shows a broad socio-economic spectrum, including landowners and landness, trained professionals and wage laborers, agriculturalists and herdsmen. This is a society with groups whose main orientation is focused on the nuclear family, side by side with other segments whose prime social structure is centered on the extended family.

These differential components, as well as numerous others that could be mentioned, necessitate a multi-dimensional answer, well thought out, to the problems affecting this population. Moreover, the Bedouin population appears entitled to a modicum of special consideration: if possible, it should not be subjected to additional heavy pressures by the authorities, given the burden it already is grappling with – the distress and turmoil of transition due to contact with the external society. That pressure by governmental authorities is designed to create a special type of urbanized society – reshaped from above, without Bedouin participation and at a low cost.

The plan makes two central recommendations:

1. There should be a revamping of planning for existing townships and expansion of their zone of jurisdiction so as to include inhabitants currently living outside the jurisdictional zone. The new planning conception will propose diversified solutions to housing (such as neighbourhoods for auxiliary farming, neighbourhoods for agriculture, housing neighbourhoods, etc.) and to the problems of employment (industrial zones, commercial zones, commercial zoning, for auxiliary farming, etc.)
2. The plan recommends retroactive recognition of twelve additional existing settlements as established hamlets, and their planned development (along with two villages for shepherds). These settlements should retain a village character, either fully or in part.
   In addition, the plan deals with those segments of the Bedouin population living in close proximity to Jewish urban settlements, or in their zone of jurisdiction, a population that is part of those same settlements and receives services from them, other than education. Of course, formal approval of this proposed plan will require changes in the outline plans of these Jewish settlements and generate concomitant influences on affected Bedouin inhabitants.

In order to implement the proposed distribution, action must be taken to achieve the following:

1. A decision by the authorities to put a stop to demolition of houses – and, by

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Burma:
Karens on the run

The tide seems to be turning against Burma's *Karen* rebels in their 44-year-old war against the government in Rangoon, and the conflict threatens to spill over into neighbouring Thailand.

In a major offensive before the rainy season, Burmese government troops, the Rangoon government troops over-ran a strategic hilltop near the Thai border this weekend, endagering the Karen stronghold of Manerplaw.

The Burmese have been using newly acquired Chinese bombers and heavy artillery to raid Karen positions and follow it up with ground attacks.

Despite reports of poor morale among government troops, the Rangoon government appears to have made progress towards Manerplaw. Reports from the border on Tuesday said that hundreds of Karen women and children were evacuating the town and entering Thailand.

About 200 Burmese troops in pursuit of retreating Karens entered Thailand over the weekend, prompting Thai artillery to open fire.

On Tuesday, government officials here said the military had reinforced artillery positions along the Mei Sot and Tak provinces bordering Burma to thwart more incursions.

»The additional guns will only be used to protect the country's territorial integrity from incursions«, a senior Thai military commander said.

Coloner Nipohan Sirpaibul, head of a Thai border security force, said on Monday the Army would retaliate immediately if Burmese warplanes violated Thai air space again.

With the strategic »Sleeping Dog Hill« falling into government hands, the Karen are digging in for a major battle to protect Manerplaw, six km to the south, but they are at a disadvantage because the town is now exposed to artillery fire from the captured hill-top.

If Manerplaw falls, it will be a major blow to not only the Karen, but also other Burmese secessionist groups and student militants who operate from the base.

The government in Rangoon said on Monday that 155 Karen guerrillas had died on the hill and a Karen spokesman admitted that there had been heavy casualties.

The offensive is part of the Burmese government's annual dry-season offensive, but military analysts here said that this year Rangoon was putting more effort the attacks.

The Karens are the strongest Burmese insurgent group, and have been fighting the government in Rangoon since the country won independence from Britain in 1948.

Source: IPS ❑

Chittagong Hill Tracts:
200 tribals shot dead

Over two hundred tribals were killed and 400 others were injured, many of them seriously, when Bangladesh security forces opened fire and Muslim re-settlers, armed with knives, went on a killing spree in Logang village, in the troubled Chittagong hill tracts on April 10, according to the Parbottya Chattogram Jana Samhati Samity.

The entire village with a population of 5000 tribals, mostly Buddhist Chakmas was torched, reducing hutments to ashes, the Samity alleged in a statement here today, quoting two villagers who escaped the genocide and sought sanctuary in a refugee camp on this side of the border.

Most of the victims were women and children, the statement said. »Bodies were strewn around the village and a local club«.

Intelligence sources here and reports from across the border confirmed the massacre, but could not give the exact number of casualties.

It was evidently in retaliation for the hacking to death of a Muslim re-settler. The man was killed by angry tribals in the village, after he along with two of his friends gang-raped a tribal girl who had gone to bring back cattle from the fields.

The Samity claimed that hundreds of tribals had fled the village and were hiding in nearby jungles and some had crossed over and had taken shelter in refugee camps in Tripura, where over 55.000 Chakmas have been residing since 1981.

The statement named a Major Habib of the BDR and the Bangladesh Reserve Police who led the Muslim resettlers. It said that so far only six of the bodies could be identified.

This was the first massacre during the year-long tenure of Premier Begum Khalida Zia and the return of democracy in Bangladesh, the statement alleged. »The Bangladesh government is deliberately doing this to rehabilitate Muslims who have fled from Myanmar and have taken refuge in the Chittagong Hill Tracts«.

Meanwhile, a number of Bangladesh officials and two members of the Pancyhali sub-district have visited the village and promised to provide six months free rations to the tribals and other benefits, including help in rebuilding houses.

Source: The Time of India. Bombay, April 14, 1992 ❑

Ecuador:
Indigenous March

On 23 April 92, after 12 days on the march, thousands of Ecuadorian Amazonians arrived in Quito to lay claim to their rights. On 11 April, some 500 Natives of the *Shuar, Shiwiar* and *Quechua* peoples left their jungle villages to join in the march to Quito. The march was convened by the Pastaza Indigenous Peoples Organisation (PIPO) in order to make demands on the state authorities to legalize the two million hectares of their ancestral lands and to reform the constitution, declaring Ecuador a pluricultural land.

On the journey towards the Ecuadorian capital, hundreds of other indigenous Amazonians and Andeans joined the march. There were 2,000 Indians from the jungle region and 4,000 from the mountains when the march entered Quito.

The President, Rodrigo Borja, met with

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the demonstrators and agreed to legislate the territories they had claimed within a period of 12 to 15 days. The natives indicated they had received the title deeds.

The authorities agreed to consult the native communities when decisions were to be made on oil drilling and they would study the environmental proposals put forward by PIPO. About 450 thousand barrels of oil have been spilled in the Ecuadorian Amazon since 1970. At the same time 60 thousand hectares of woodland are destroyed anually, and only 20 thousand are reforested.

Source: IPS ❑

Chile:
Pehuenches will not be evicted

The 22 Pehuenche families – part of the Mapuche nation – who were served an eviction notice will remain on their ancestral land in the southern Quinquén (meaning »place of refuge« in Mapuche) valley.

The Supreme Court had issued the eviction notice at the request of the Galletue timber company, but in the end the company agreed to an offer from president Patricio Aylwin's administration to »sell« the land to the government (LP,June 13, 1991).

Faced with growing international and national pressure, the Chilean government paid the company US$ 6 million, thereby avoiding the expulsion of the Pehuenches from 135,000 hectares of land the indigenous group has been fighting to obtain legally for more than 20 years.

Former President Salvador Allende's government (1970-73) implemented an agrarian reform plan and expropriated from the Galletue company to legalize the presence of the Pehuenches.

In 1974 Gen. Augusto Pinochet's dictatorship turned back the clock on agrarian reform and returned the land to the company. Later, Pinochets government authorized the resumption of logging in the previosly protected araucaria pine forests native to the area.

In 1990, Ayilwin's administration passed legislation that made the araucaria a national treasure and once more prohibited its exploitation throughout chilean territory.

The state then paid $ 6 million in indemnization to Galletue and an additional $ 5 million to ensure the araucaria would be conserved as a national treasure in Quinquén.

Once the lands principal resource – the araucaria pine - became a protected species, it was easy for the government to convince the company to sell.

For the Pehuenches, however, the result was not what they were hoping for, especially since no Mapuche representative participated in the negotiations.

»In the end the land is not in the hands of its legitimate owners, something the entire Mapuche Nation was hoping for,« said the president Ad Mapu Metropolitano, Dagoberto Cachaña. »This deal shows that the government is willing to pay a lot of money, not to benefit the indigenous people, but rather those who took our lands, to avoid conflict with them.«

Meanwhile, government authorities were quick to say »Quinquén is a unique case and a one-shot deal«. The Mapuches, however, have a different perspective.

»If they have opted to resolve one conflict by buying the land, others should receive the same treatment, but with one difference, the land rights should not pass into the hands of the state. The land should return to its legitimate owners, the Mapuche people,« Cachaña said.

»There are more than 100 cases similar to Quinquén. Some of those communities are also being served eviction notices,« said Mapuche leader Santos Millao, a member of the Special Commission of Indigenous Peoples, a group created by the government to review issues affecting ethnic minorities.

Millao expressed his willingness to encourage authorities to negotiate these cases in the hope that other indigenous groups will receive their land.

The government, however, insists that there will be no other deal similar to Quinquén.

Meanwhile, the Council of All Lands, a Mapuche organization that led several land takeovers last year, said the Quinquén case once again denies the land rights of indigenous peoples. »In buying the land, the government recognizes the company had rights to lands that belong to us,« said Millao.

Mapuche leader Nelly Ayenao announced plans to form the First Mapuche Tribunal. »Its objectives include morally sanctioning the Chilean State, initiating the process to recover our lands and demonstrating the effectiveness of the courts that have not managed to solve these conflicts.« The Council of All Lands also announced the first land »recoveries«, now that »the truce that we gave the government to give it time to make some clear statements on our territorial demands is over,« said Ayenao.

Source: Hugo Godoy. Latinamerica Press, March 26, 1992 ❑

Temporary stop on nuclear tests in the Pacific

The newly nominated French Prime Minister Pierre Bérégovoy announced on 8 April that France will suspend nuclear testing on Moruroa and Fangataufa for the rest of this year.

The official explanation is that it is part of a policy to stop massive stockpiling and production of more nuclear weapons, and thereby increase security and international stability.

The decision is also to be seen in the view of the great changes in the international power relations.

Bérégovoy however states that nuclear deterrence remains a necessary factor, with all of its constraints *including testing.* In the same press release he declares, that *»France is also committed to pursuing a completely open policy, especially with regard to the countries in the region.«* We look forward to that.

Source: Press release from L'Ambassade de France au Danemark. ❑

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Nunavut territory

Nunavut Boundary Established

A proposed boundary to divide the Canadian Northwest Territories was adopted by a plebiscite on May 4. A small majority, 54%, voted in favour of the proposed boundary which will separate the Inuit land claims from those of the Inuvialuit and Dene Indians. The boundary will also carve an Inuit dominated new territory, Nunavut, from the remainder of the Northwest Territories. This new territory is expected to be established in 1999.

Within the future Nunavut territory about 90% voted in favour of the boundary agreement, whereas 75% were against in the west. As 80% of the population is Inuit, strong support for the boundary in the Nunavut was expected, and the plebiscite is seen as an important step toward creation of the new territory, Nunavut.

In the west with the white dominated capital of Yellowknife a majority against the proposed boundary was expected. Some of the Dene Indians in the west have been opposed to the boundary proposal and they have been extremely critical of the land claim settlement.

10 years ago the people of the Northwest Territories voted in favour of creating a Nunavut territory. Then, in December last year a final land claims agreement was signed by the Inuit and the Canadian government in Ottawa (see IWGIA Newsletter 1/1992). The non-binding plebiscite of May 4 has now settled the boundary of this agreement.

The next step will be taken in November this year when Inuit will vote on the land claim deal which, besides 350.000 square kilometres of land, will give them a compensation of $ 580 million. Although the plebiscite of May 4 is non-binding it is expected that the Inuit will vote in favour of the land claim agreement because the Ottawa government is morally obligated to establish the Nunavut territory within the next seven years.

As opposed to the land claim agreement which confers specific rights to ethnic Inuit, the creation of a Nunavut territory means self-government for all inhabitants. Making up 85% of the population, the creation of Nunavut implies a de-facto self-government to the Inuit.

Source: The Canadian Press; ICC. ❑

Costa Rica: Report before the United Nations

Dr. Jorge Rhenán Segura, Esq.,
Representative of the State of Costa Rica
Sir

CODEHU, the Costa Rican Commission for Human Rights (La Comisión Costarricence de Derechos Humanos), wishes to report the following, concerning atrocities which occurred in the indigenous community of Cunabre, Talamanca, Costa Rica on the 21st February, 1992 and the following days. These atrocities were perpetrated by a unit of the police made up of 13 members of the rural police which is under the responsibility of the Ministry for the Interior and the Police. These policemen were recruited from different branches throughout the country to carry out an anti-drug campaign.

The deeds violating fundamental human rights are

a) physical, mental and moral injuries to several people. Two persons who were later executed were subjected to extremely cruel torture,
b) the violation of the right to life by the arbitrary execution of two unarmed persons,
c) the loss of liberty for several days to a number of persons who were forced under duress to act as guides and servants for police officials,
d) threats and other deeds constituting abuse of authority to the detriment of the indigenous community of the area as the deeds perpetrated were not reported nor were any testimonies given to any authority,
e) violation of the indigenous population, robbery of money and other goods, abuse of individuals and arbitrary detention,
f) the destruction of goods (dwellings, installations, etc,) belonging to the indigenous population of the area.

All these acts of violation were carried out with the greatest contempt for human dignity and were completely unnecessary.

We are particularly concerned by the growing deterioration in the police forces

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in Costa Rica and by the high levels of corruption, inefficiency and arbitrary behaviour which repeatedly appear as the causes of atrocities similar to the abovementioned which was committed in an indigenous community.

Unfortunately, Sir, this is not an isolated act, but on the contrary, it is an expression of causes and circumstances which are ever increasing, and which constitute a very dangerous element of instability for Costa Rica, a signatory of the UN Declaration of Human Rights. Many similar events, which we will not mention here, underline this fact. As we have analyzed in previous bi-annual reports by CODEHU (The Costa Rican Commission for Human Rights), Costa Rica shows surprising weakness and inconsistency to the detriment of human rights.

. . . We consider the Costa Rican Government's efforts to face up to and overcome this situation (aggravated in the 1980s by the military training given to the police) as extremely hesitant and contradictory.

We are likewise worried about the lack of substance in the reports from Costa Rica concerning the situation of human rights regarding momentum and social perspectives. We believe that this situation arises because of the disrespect which the Costa Rican public officials have unfortunately always shown for the non-governmental organisations which work in the field of human rights. But we also believe that it arises from the fact of informing without consulting the specialised bodies within Costa Rica itself. Thus, we know that the Counsel for the Protection of Human Rights and its specialised groups under the Ministry of Justice did not supply information about concrete acts of violation of human rights for the last reports produced by our country (e.g. Document D.G.P.E./SGOI/DHR dated 23/5/1 which was presented by Costa Rica to the Committee for the Elimination of Racial Discrimination). Due to our work with these counsels we are well aware of the very grave problems concerning violation of human rights which occur and which affect minority groups and, in fact, the Costa Rican population in general. This is something which is completely unknown to the Commission for Human Rights or to the international community interested in these matters.

Finally, CODEHU wishes to bring to mind the fact that the Committee for Human Rights (ECOSOC) in its meetings 958a and 960a on the 22nd and 23rd of March, 1990 (CCPR/C/SR 958 and SR 960) expressed very specific worries as regards human rights in Costa Rica and particularly regarding the protection of minority groups. We believe that the problems thus set out not only have been upheld but aggravated.

Unfortunately, experience shows that Human Rights countries are capable of breeding specific causes and circumstances which violate human rights. Therefore, the specialized representatives have a pressing responsibility to objectively explain the situation which the country is facing before the United Nations, and to ask for the international collaboration which the situation merits.....

Source: CODEHU, The Costa Rican Commission For Human Rights ❑

"LIFE IS NOT OURS"

THE MAY 1991 REPORT OF
THE CHITTAGONG HILL TRACTS COMMISSION
WITH A MARCH 1992 UPDATE
CAN BE ORDERED FROM IWGIA-COPENHAGEN

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so doing, to permit the Bedouin population to make preparations, at a suitable and natural pace, for concrete implementation of the plan.

2. Establishment of a special authority to guide and administer the plan's implementation by controlling and monitoring general planning and other specific areas of the proposed settlements, each topic and sector separately.
3. An accelerated implementation of a plan for provision of infrastructural bases and vital services – in order to close the widening gap existing in reality and desired conditions, and the gap between the Bedouin and Jewish populations as a whole.
4. The working out of an appropriate solution to the problem of land claims, acceptable to the Bedouin.
5. Establishment of local authorities of various types; these can contribute to the development of the settlements.
6. Development of a viable economic base in the settlements, including mixed farming and auxiliary farming based on agriculture, along with encouragement and provision of incentives for initiatives to develop local employment opportunities, such as small workshops and factories, offices, etc.

In summary, the plan presents a conception and policy of settlement *from the perspective of the Bedouin citizens of the Negev*. This conceptions takes into due account physical, economic, social, cultural, political and territorial aspects that previously have been considered from a one-sided viewpoint, if at all.

It is clear that the solution proposed in this plan will not necessarily satisfy all segments and individuals in the Negev Bedouin community. Nonetheless, it is our belief that the plan represents the community. Nonetheless, it is our belief that the plan represents the views of the preponderant majority of Bedouin, and offers an appropriate interim solution to the problems both of the Negev Bedouin and the economy in the region as a whole.

Source: Association for Support & Defence of Bedouin Rights in Israel ❑

IWGIA DOCUMENT 70 by Andrew Gray

Beetween the spice of life and the melting pot:
Biodiversity conservation and its impact on indigenous peoples

$ 7.50

Peru: Asháninka Self Defence in the Central Forest region

By Margarita Benavides *Peru*

On 26 December 1989 an Asháninka uprising broke out along the Pichis river. This event arose from a decision taken by the communities of this region belonging to the ANAP (Apatyawaka Nampitsi Asháninka). It was an autonomous action in response to the assassination of Alejandro Calderón, supreme leader and President of the ANAP. Alejandro Calderón was murdered by supporters of the Túpac Amaru Revolutionary Movement (MRTA) which is active in the vicinity of Pichis, Palcazu and Pachitea. The Asháninka rose up against the MRTA to avenge the death of their leader and in an act of self-defence as they feel threatened by this armed group.

This is the first known armed insurrection by the Asháninka people since 1913-1914. Even though the Asháninka did employ armed resistance against colonizers on countless occasions, (the most significant of which was by Juan Santos Atahualpa which started in 1742), it seemed as if since the second decade of this century, armed resistance against foreign aggressors had been left aside. Resistance continues but by other means.

The Asháninka revolt which began in 1989 has provoked reactions, mainly against the Asháninka, from society at large, both regionally and nationally. On one hand, it unleashes the latent fear of the Asháninka developed by the colonizers through a tradition of confrontation relating to land ownership. On the other hand, political elements, journalists and public opinion in their profound ignorance of the real plight of the Asháninka and in the prejudiced view they have of such groups, interpreted what was essentially an act of self-defence as vandalism and paramilitary action.

The Asháninka number about 50,000 in total. They live in several valleys in the forest highlands, in some cases inaccessible to each other. There are also idiomatic variations among some of these groups but the most important thing to bear in mind is that within the different communities there are different organizations which make decisions independently of each other. ANAP is the grouping of the Asháninka community in the Pichis area, those living in Perené and Satipo are organized in the CECONSEC (Central de Comunidades Nativas de la Selva Central). In Satipo there is also FECONACA (Federación de Comunidades Nativas Campa). In the 1980s there was a group along the Ene river called OCARE (Organización Campa del Río Ene) but there is no longer any representative group in that whole valley. In Tambo there is CART (Central Asháninka del Río Tambo). In Gran Pajonal there is OAGP (Organización Regional de Atalaya). Besides this there is CONOAP (Consejo Nomatsiguenga y Asháninka de Pagoa).

Each of these areas has its own dynamics. Sendero Luminoso (SL) exists in some areas, in others, the Movimiento Revolucionario Túpac Amaru (MRTA), and still in others these two armed groups are combined. In some cases this has been recent and in others this has been going on for years. There are also cases of drug trafficking. The army is active in some places, the police in others and now there is also the U.S. Marines. Some organizations have assumed a position of self-defence and some have not. Self-defence has taken on various characteristics according to the special needs of the location and the leanings of each organization.

Some of these organizations are affiliated to AIDESEP (Asociación Interétnica de Desarrollo e la Selva Peruana) and others, to CONAP (Confederación de Nacionalidades Amazónicas del Perú). Both are national organizations, AIDESEP has greater seniority and record of practical struggle than does CONAP. These two national organizations have contradictions within themselves. These contradictions further complicate the situation. These have been documented in a series of releases which have been published in the newspapers and to which I will refer later.

The Pichis valley

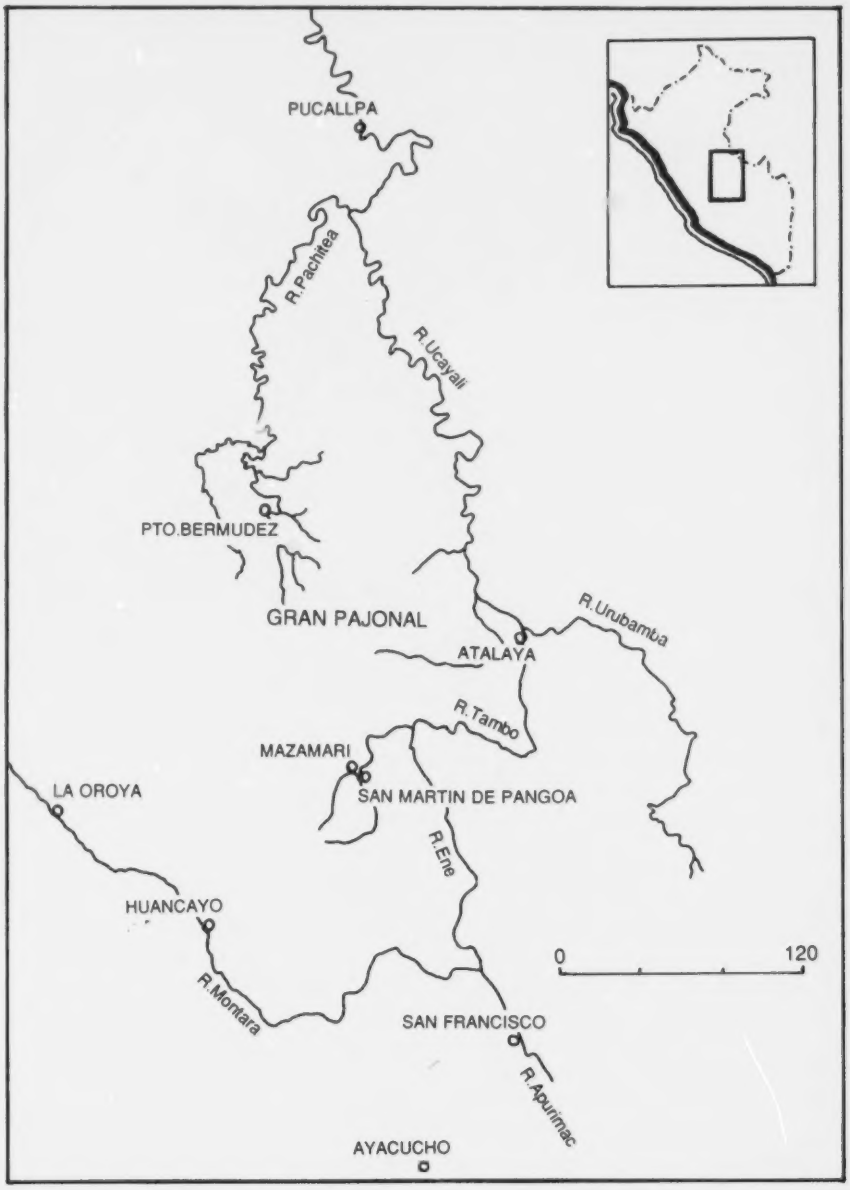
The Pichis river runs from south to north parallel to the Palcazú river. Both of these rivers join to form the Pachitea which later empties into the Ucayali. While the banks of the Pichis have traditionally been inhabited by the Asháninka, the Palcazú is inhabited by the Yanesha. In both communities there are settlers with small and medium-sized properties. Along the Pichis

river, the estates, which began to be established in the 40s based their activities on cattle rearing. The climactic conditions were not as suitable to the growing of coffee, as it was in the case of Chanchamayo and Satipo.

The last documented Asháninka uprising in the Pichis valley took place between 1913 and 1914. The negotiations for rubber production culminated in a crisis and the rubber planters did not honour their commitment to the Asháninka who did the work of extracting the rubber. They were not paid for their work and the Asháninka rebelled. The estate owners sought refuge in the Franciscan Mission at the mouth of the Apurucayali river; the Asháninka attacked the mission and as many Franciscans as rubber planters fled. The foreigners then abandoned the area for several years (Izaguirre 1927, Bodley y 1972).

After this there does not seem to have been another uprising, at least not of this size. The Asháninka started a process of adaptation to agriculture as a commercial activity to be able to produce industrial products, especially metal tools, shotguns and other consumer products which they had already adopted as everyday objects. With the promulgation of the law on native communities in 1974, a vigorous process of recognition and entitlement of lands began, this was reinforced and promoted from below by native organizations.

It is in this context that the current Pichis organization began to develop and since then Alejandro Calderón stood out as its leader. The annulment of the congresses of Pichis communities took place at that time and in 1984 the ANAP was founded. Land, education, health, business, civil registers where prevalent themes at their congresses. Together with this struggle to regain their rights, an autonomous political movement for the glorification of the Asháninka culture as a basic element for their self identity was being forged. The Asháninka communities were aware that what they got from the State was what they took by force and that Calderón was a persevering leader for his people.



The murder of Alejandro Calderón

At 11 a.m on Saturday, 8 December 1989 two members of MRTA arrived at the home of Alejandro Calderón in Puerto Bermudez. They tricked Calderón into attending a meeting. They then drove him to Puente Palcazu and from there down river to Chaparral in Pashitea. MRTA had one of their encampments in Chaparral. They also took Rodrigo Chauca and Benjamín Cavero to Chaparral. They accused the three men of having collaborated with the police in the capture of Máximo Velando, leader of the MIR guerilla group active in 1965. Calderón and Chauca were subjected to a so-called »trial« by the members of MRTA. Both of them were executed. Cavero was imprisoned. They were probably also going to execute him as well but he managed to escape when the army bombarded the MRTA camp on 17 December 1989. According to Cavero, Calderón was executed on 15 December. This is what one of the guerrillas explained to him when he heard three shots from his prison cell that morning. When the army attacked Chaparral on 17 December, a female guerrilla opened the »jail« where Cavero was being held, handed him a small weapon and told him to save himself in whatever way he could.

On December 18, 22 members of MRTA turned up in a Pichis community in a bid to escape from the Army. They forced the President of the community to take them by boat to the main road. The chief asked the leader of the MRTA group

whether they had kidnapped Calderón. Lying, they denied it and said that it was probably the Sendero Luminoso. Two of them from MRTA had recently tried to kidnap Alcides Calderón, the son of Alejandro, in Puerto Bermudez, but Alcides was able to break loose and escape.

By 20 December 1989, AIDESEP, the organization to which ANAP is affiliated, had already been informed of the disappearance of Alejandro Calderón and published a communiqué in the newspaper, La Republica, calling for the safe return of the Asháninka leader and demanding the President of the Republic and the National Treasury to conduct an extensive investigation into the kidnapping. At the same time, it called for solidarity from human rights bodies, the National United Agrarian Council, the National Popular Assembly and other popular movements.

Upon his escape from Chaparral, Cavero took two days to arrive at the home of Calderón's family. He told them that Calderón and Chauca had been executed. A group of Asháninka were led by Cavero to Chaparral in search of the remains of Calderón and Chauca. But in spite of extensive searches, there was no trace of a tomb, let alone bodies.

The Asháninka response

On 24 and 25 December 1989 a meeting of the Asháninka communities in Pichis and Jordán was called. At the meeting the group leaders decided to avenge the death of their supreme leader Alejandro Calderón, to fight against the MRTA and to get them out of the region, dead or alive. A command was established. Each community was to put forward a certain number of men who could be called »soldiers'. At this meeting they drafted a plan of action and vowed to capture the guilty parties. To be considered guilty was to be directly responsible for the murder of A. Calderón or to be a militant of the MRTA.

Activities were set in motion already by December 26 1989. The Asháninka warriors lay in ambush for the dispersed MRTA groups.

On January 5 1990 the Asháninka seized Puerto Bermudez in an elementary and precarious arrangement with the authorities. About 1000 men armed with bows and arrows and a few shotguns entered the town. They rounded up the people, between 300 and 400, in the main square. Many had already fled. They captured 10 suspects and handed them over to the Puerto Bermudez authorities who freed them a few days later.

In the siege on Puerto Bermudez, the emblems of MRTA and Sendero Luminoso were replaced by Asháninka ones. The bow and arrow was painted as its symbol and their slogans were:
»Long live the Asháninka struggle!«
»Long live Alejandro Calderón!«
Two days later they took the Constitution of the City.

On 5 January 1990 a release issued by ANAP appeared in the newspaper, La República (Provincias). The article condemned the murder of its President Alejandro Calderón and explained their actions. Among other things, the news release said the following:

»Only a people can judge its leaders. Alejandro Calderón has been our leader for many years because he, more than anyone, defended the rights of our people against all forms of injustice, and our right to be free and respected. He organized our people against exploiters...He has been killed because he was such a strong man of conviction.«

»We have not provoked anyone. We have been persecuted for many years because of our river. Abuses, threats and reprisals come at us from all sides, from both the army and the movements (we refer here to armed groups). All this pressure has been put on us because of this river which is our ancestral heritage.«

With reference to Máximo Velando, the communiqué reads:

»No one had been searching for this man, He appeared on our river as an unknown when the police informed that they were searching for a dangerous person who was stealing and raping women. He (Máximo Velando) did not explain anything, he only said that it was the Intelligence Service, but he did not explain clearly. Therefore they saw somebody strange and took him to Bermudez. This is no one's fault nor is it any reason to kill an indigenous leader.«

»Now the MRTA in the area goes around searching for other leaders of ANAP. We can see that MRTA operating along this river does not want any indigenous groups and they are the only ones who know anything. We are worth nothing in their eyes and they only want to rule us by force.«

»We are not going to let them abuse us and kill us on our own land. If they do not recognize us as indigenous people and continue to scorn us, we also have power.«

»We want to explain this so that it is well known that we are an indigenous organization and we are defending our people and there should be no confusion about what we do,not an army, nor movement, nor party.«

On Saturday, 6th January 1990 AIDESEP published a release in which they condemned the murder of A. Calderón, it sympathized with the ANAP and reaffirmed the right of indigenous peoples to self-determination.

Legitimate actions of self-defence on the part of the Asháninka were interpreted by some in the news media in a sensationalist manner, based on supposed second-hand information gathered from people who left for La Merced. They tried to falsely link the leaders of the uprising to the students at the University of Villareal, with the clear intention of relating them to paramilitary Apristas. They went on to appeal to the Army to intervene and accused the Asháninka of acts of vandalism and pillage.

AIDESEP, in a public communique on 28 January 1990 (La República), rejected these false accusations and caution and condemned the appeals for the repressive intervention of the Army.

Asháninkas and Yaneshas

There are approximately 5,000 Yaneshas. A significant number of these indigenous people occupy the Palcazú valley which runs parallel to the Pichis. Both of these valleys are separated by the San Matías cordillera. There are ancient brotherly ties between the Asháninka of the Pichis and the Yanesha of the Palcazú. Both groups were organized jointly until 1978 when for practical reasons (geographic distance and differing mother tongue) it was decided that each should have its own organization. This separation was carried out in a fraternal spirit, so much so that they signed an agreement to support and assist each other in the face of aggression.

On the basis of this brotherly relationship, in early January 1990 three leaders of

FECONAYA travelled to Pichis river to meet with ANAP to express their solidarity and to ask for their support because the Yanesha also were desirous to be free from the political pressures exerted by the armed movements.

At this meeting both organizations agreed that the Asháninka would respond to this Yanesha request and decided that the Asháninka would enter the Palcazú from the upper end and the Yanesha would initiate their action from the lower end. They would both meet in the middle of the Palcazú. In this effort they would capture suspected members of MRTA.

The Asháninka complied with their promise and ventured unto the Upper Palcazú. Later CONAP, a national organization to which FECONAYA is affiliated, had a communique published on 17 February 1990 in which it accused the Asháninka of the Pichis river of having embarked upon a military offensive against the Yanesha, insinuating that this action was being encouraged from outside and urged the government and the authorities to pacify the region.

The Asháninka, realizing from this article that there were some contradictions within FECONAYA and their national organization, CONAP, and that the Asháninka were being falsely accused of aggressions against the Yanesha, withdrew to the Pichis valley and called a meeting with the leadership of FECONAYA to clarify its position.

This meeting was held in the native community of Cahuapanas (Pichis river) on March 3 1990. At that meeting the leaders of FECONAYA reaffirmed their brotherly relationship with ANAP and Juan López Gaspar, Cornesha (President) of FECONAYA agreed to publicly clarify his position. A public release published in La República on March 5 1990 contradicted the President of CONAP and confirmed that *»FECONAYA has coordinated the operations in the Palcazú valley.«* He referred to the FECONAYA release dated 10 February 1990 in La República in which they had expressed solidarity with ANAP.

On its part ANAP issued a release on 13 March 1990 *»paying tribute to the brotherhood and solidarity with the Yanesha people in our joint struggle for the liberation and pacification of the Pichis and Palcazú valleys.«* ANAP rejected the false accusations of having sacked, violated and invaded Yanesha territory and having killed 5 Yanesha brothers. They expressed their *»pride that the Asháninka knew how to be respected, and that with the power of our own men and women we have defended our territory and indigenous culture«*. They announced publicly that *»the struggle of the Asháninka people of the Pichis had successfully reached our objectives and our people are again living peacefully and have gone back to work. But we would like to say that we remain on the alert and prepared so that no one will return to abuse our people and we will know how to defend ourselves against any aggressor as we have demonstrated. We would also like to ask the authorities and everyone generally to understand the motives of our struggle for the causes of justice and to avoid any reprisal against our communities and our leaders so that we can live in peace and with stable development.«*

They ended the release by saying: *»Finally we wish to recall, with heartfelt emotion, our Pinkatzari Alejandro Calderón, as a martyr for our people and to say that his death has not been in vain because this war has shown us how much we have to take power, how much we need to take power as indigenous people far above any other interest. With his death the struggle of the Pichis has begun. We dedicate the peace we have achieved to him.«*

»Recuperated« Asháninka. Photo: IWGIA archives

The Army

The Peruvian army had withdrawn from the Puerto Bermudez area long before the start of the Asháninka uprising. The MRTA were the »owners« of the area.

The Army were not present in the region while the Asháninka carried out their activities. They did not intervene in the ANAP action and even less, direct it. the Asháninka did in fact put in a request to the Army for arms support, not to participate in the action. The Army refused to support them with weapons arguing that if they gave them modern weapons this could be construed as subversive.

In April 1990,150 Marines came to Puerto Bermudez. They arrived when the region was calm and the Asháninka had returned to their normal daily life.

MRTA

In a proclamation (December 1989), the MRTA publicly claimed responsibility for the murder of Alejandro Calderón. The proclamation contained various references to the Army's attack on the MRTA camp and to abuses committed by the Army against the peasant population. In one of the points they made, they justified the assassination of the Asháninka chief saying:

»Early in December a MRTA guerrilla detachment located and captured

Many children suffer from malnutrition. Photo: IWGIA archives

Alejandro Calderón Espinoza and two of his accomplices. These persons were the ones who, in 1965, handed over Commander Máximo Velando, one of the guerrilla leaders of MIR, to the army. Apart from this old crime, Calderón and one of his lieutenants had become key players in the Armed Forces and their plans to form paramilitary groups in the region. For these crimes, a MRTA Revolutionary Tribunal proceeded to judge and later execute these reactionary agents.« (Revista »Cambio« 28.12.89).

Later, in declarations in El Diario (29.1.90) members of the national leadership of MRTA made the following statement in reference to the murder of Calderón:

»Calderón was judged according to his behaviour and actions in 65. He was found guilty. Many of us were trained by the 65 guerrillas. It is not that we are thirsty for revenge, but we arrived at the conclusion that this behaviour should not go unpunished and therefore he was put to death. The leadership of MRTA however believes that the execution was too hasty and that they did not thoroughly analyze the implications this act would have. After 25 years the position of Calderón before the masses, whom he represented, had changed and we needed an explanation to the people of the burdens which were weighing on him. It now seems to us, at the root of the events, that our associates in the east were hasty and acted without visualizing the consequences«.

In the declarations by the national leadership of MRTA there is no mention of the supposed links Calderón had with paramilitary elements. Cavero, the Asháninka who was also imprisoned at »Chaparral«, insists that in Calderón's trial there was only mention of his participation on the events of 1965. They made no accusation of his being linked to paramilitary groups. Both ANAP and AIDESEP have rejected the supposed link which was made in the MRTA statement about Calderón and paramilitary units.

In effect, as the MRTA leaders stated, Calderón's executers did not assess the serious consequences these acts would bring. With the murder of the supreme leader and ANAP, MRTA earned the enmity of hatred of the Asháninka, who had up to that point been maintaining a neutral attitude, and according to some, had even expressed a certain degree of sympathy with these guerrillas. Nonetheless the murder of Calderón was a slight to the Asháninka organizations and its sacrifices in the struggle for gaining autonomy.

The magazine Cambio, among other media houses, have interpreted the Asháninka uprising against the MRTA offenses as actions related to the Peruvian Army. They seem not to have grasped the gravity of the MRTA error in having assassinated the Pinkatzari Asháninka. If there is anyone to be blamed for the Asháninka explosion against the MRTA and having eliminated some of its fighters, it is the MRTA itself for having provoked, attacked and offended them in such a direct manner.

»Cambio« unleashed a campaign against the Asháninka linking them to the Army and accusing them of abuses, degrading the indigenous peoples and ANAP, which in turn expressed publicly on repeated occasions the reason for their actions and the autonomy of their movement. Cambio found it difficult to understand that the Asháninka acted using their own manpower and on their own initiative. The Asháninka groups resorted to asking for weapons or some level of support from the Army and the State authorities not because they trusted them or because they were about to give up their autonomy by asking for this support, because with the murder of Calderón they saw MRTA as a tangible threat. MRTA had executed their chief and took their leaders hostage and this was considered to constitute a legitimate need to defend themselves as individuals and as an organization. It is clear that the responsible parties are the MRTA who have never known how to respect people, and who have not been able to understand the deep indigenous claims to self-determination. Instead of trying to win them over, they have alienated them with their domineering attitudes and underestimation of the indigenous people.

On the other hand, we wish to clarify that the opinions expressed here concern the specific acts committed by the MRTA with respect to the Asháninka of the Pichis river. We are not making any judgement on the overall programme carried out by the MRTA or of their motives.

The Defence of the Asháninka

The Asháninka have taken up legitimate self-defence. The execution of members of MRTA has been within the context of this strategy of self-defence. Certain individuals and organizations in Lima have been calling on the Asháninka for peace as if they had provoked the situation or wanted war. The Asháninka would not have wan-

ted this war. Because of this they have not been able to pay due attention to their crops and they have suffered food shortages and low funds. The Asháninka have no other alternative. It had to be them, their organization and their autonomy which prevailed or it would have been the MRTA. The concern for Human Rights is a legitimate one. In this case it was between the life and existence of the Asháninka people. There have not been gratuitous or arbitrary executions. There have been executions in legitimate self-defence. Nobody wants this situation, not the Asháninka or anyone else. Regrettably our country has arrived at a grand crossroads of violence and the people, under the circumstances, have the right to defend their lives.

It would be better to learn a lesson from this experience. The Pichis Asháninka have learned theirs: they are capable of being respected. The MRTA have learned theirs: one cannot attack or act dominant and with impunity against people; and one should respect the indigenous Amazonian peoples who have opted for autonomy.

In defence of free self-determination of indigenous peoples, there are no separatist intentions. There is the right to be recognized as peoples whose existence has been systematically denied for 500 years. In this struggle there is revolutionary potential for the acquisition of democracy and justice for our society.

It is possible that the reflection could help the leftists to free themselves from dogmatic preconceptions and to embark upon national liberation projects which are more in keeping with our reality and therefore more viable for the transformation of our society into a more just society. But for this to occur it is necessary to understand that the Peruvian people are composed of many diverse sectors and they all need to have an influence on this revolutionary process without being forced into a straitjacket.

We should recall the tough experience the Sandinistas of Nicaragua had with the indigenous people of the Atlantic Coast. The disputes which existed between them were resolved when the *Sandinistas* rectified their anti-democratic attitude towards these people and gave them a say in the revolutionary process by recognizing the legitimate claims of the indigenous peoples.

The Ene valley

Until the 1980s colonization had little impact on the Ene river valley. The expansion of the agricultural and demographic border was just beginning in this area. The Asháninka developed their economy and social life basically in terms of self-sufficiency and according to the patterns of their traditional culture.

Since 1979 an unusual wave of migrants, mostly of Ayacucho origin, flowed via the Apurímac river to the Ene river. Most of the settlers were organized into cooperatives, an uncommon form of colonization in the Selva Central region.

There was shock and even armed confrontations between the settlers and the local Asháninka population, who defended the possession of their lands. In the end the colonizers imposed themselves and took possession of large areas on both banks of the Ene river. Within approximately 4 years, from 1979 to 1983, the Ene went from being a valley populated almost exclusively by Asháninka to being demographically composed of 43% settlers and 57% Asháninka (Ordoñez, 1985) (1).

The average in hectares per family which is recognized and titled in favour of the Asháninka population in the form of communal lands in the Ene valley is 201 hectares which, in spite of the invasion of settlers, is the area in which the State has recognized the greatest territorial expansion in the Asháninka's favour and where they have greatest access to the resources of the forests.

The recognition and ownership of land belonging to the settlers is pending. In as far as the ordinance of land tenancy of the Asháninka people, which came into effect in 1982, contributed to the decrease of conflicts between the Asháninka and the settlers, the issue remains explosive. On the other hand, the cooperatives and associations of permanent settlers as individual agriculturalists have not prevented internal divisions and conflicts among the different sectors (Ordoñez 1975).

With the wave of migration the cultivation of cocoa, and around 1983, coca cultivation was introduced along the river Ene. The drug traffickers promoted the growing of coca paying high prices and assuring a market for the producers. The drug traffickers were using landing strips in some native and settler communities.

State presence along the Ene river has been weak. Their most meaningful activity has been the process of recognition and entitlement of lands in the native communities.

Another area in which the State had some presence in this valley was in the area of education. This is a relative presence, since a great part of this work is based on its agreement with the Summer Linguistic Institute (ILV). Twenty- four primary schools were opened for the Asháninka in 1983. The teachers were mainly bilingual, trained by the ILV and 5 educational centres with teachers from the Sierra were opened for the settlers. (Ordoñez 1985). There used to be only one secondary school in the valley. Most of the schools are currently without teachers because of the violent times.

In the area of health there was only one medical post in the Cutivireni mission which is now destroyed. From 1981 to 1983 the Special Pichis Palcazu Project had an office in the Cutivireni settlement, a Franciscan mission founded and managed by the North American missionary Mariano Gagnon. Until 1989 it was the largest Asháninka settlement along the Ene river. The infrastructure of the mission converted it into the most important service centre in the valley. Eight hundred Asháninkas lived there up to 1990 when the mission was completely destroyed by the Sendero Luminoso.

An important thing for the Asháninka of Cutivereni at the time of the murder of its main leaders and teachers was armed resistance to the Sendero Luminoso. Finally, because they did not have enough power to fight the Sendero Luminoso, 213 Asháninka were evacuated to the Urubamba river with the support of the Franciscan missionary and a French explorer who worked in the region. (Gorriti 1990).

In this whole process in which the Sendero was taking control of the population of the Ene river there was the greatest opposition by the military forces and Peruvian police. In 1989 and 1990 the DEA (Drug Enforcement Administration), in combination with police forces (sinchis), entered the area by helicopter with the clear goal of fight drug trafficking and identifying runways and laboratories. Apparently they bombed some runways which were being used by drug traffickers.

Until May 1991 the Ene river valley was

an area where Sendero had established its rule. The State had practically no presence in this region. Asháninkas and settlers who were not prepared to follow the directives of Sendero had no alternative but to leave the area, and this was not easy. Dislocated from the Ene, they turned up in Satipo and Urubamba. In May 1991 the Army conducted an operation with 500 soldiers in the Ene valley. They set up three military bases from which they arranged joint operations with the people who were organized for self-defence in order to »recuperate« the people who were under the command of the Sendero Luminoso.

In the 1980s the Asháninka Organization of the Ene river (OCARE) which sought to unite the natives of the valley appeared in the Ene valley. This organization did not manage to establish solid bases. Its main leader Isaías Charete was assassinated by the Sendero Luminoso in 1989, but contrary to what happened in the Pichis, there was no popular uprising in this case.

The Sonomoro, Pangoa and Tambo valleys

In 1989 Sendero Luminoso started its expansion from the Ene river to the Sonomoro, Tambo and Pangoa valleys.

The sinchis had surveilled the Sonomoro valley from 1965 when guerilla incursions by the MIR developed in this region. The sinchis, who were trained specifically in anti-subversive tactics set up their quarters in Mazamari, practically at the entrance to the Sonomoro valley.

From the time the Sendero Luminoso turned up in the valley, the Asháninka people and the settlers in the area felt more and more pressured. This a coffee and fruit producing area. Sendero Luminoso prohibited the cultivation of coffee and geared production exclusively to products for internal consumption. Fear of forced recruitment obliged many of the Asháninkas to hide out in the mountain and to abandon their farms. Many of the settlers in the area went back to where they came from. Teachers, faced with an insecure situation including the disappearance of several of them, abandoned the schools, most of which have not been in operation since 1990.

Some communities in the valley managed to remain neutral, defending their autonomy and their physical survival, striking a difficult balance between the senderistas and the sinchis and hiding their youths and children to avoid their being recruited by the Sendero. This situation has prevented them from taking due care of their crops on the farm, including some of the crops for their own consumption and this has had serious consequences on their nutrition and health.

Other communities which were attacked directly by Sendero Luminoso who murdered their chiefs and residents who opposed them and where there has been this sensitive balance, did not raise crops, broke down or chose to organize defence and combat patrols against the Sendero, have been severely punished by the terrorist group in the form of mass murders of men, women and children. In some way, the patrols also managed to strike at the Sendero and to reduce their numbers.(2)

CONOAP (Consejo Nomatsiguenga y Asháninka del Pangoa) and CART (Central Asháninka del Río Tambo) both of whom are affiliated to CONAP (Confederación de nacionalidades do la Amazonía Peruana) maintained a balanced position between Sendero Luminoso and the repressive forces of the State, condemning both groups as violators of human rights. CONAP censured and launched a campaign against the indigenous organizations which faced the armed groups, accusing them of following the contra-subversive policy of the military. However the persecution by the Sendero Luminoso which the indigenous organizations was rejecting forced CART to take a position towards the Sendero Luminoso and at its Congress in July 1990, the Tambo communities decided to organize their internal defence. At the end of the Congress, the main leaders were kidnapped and murdered by Sendero Luminoso. However CART has continued with their internal defence.

From the area of Alto Tambo, Bajo Perené and Pangoa, numerous Asháninka families have been dislocated to Satipo. The feeling of being threatened by the SL or the terror of living under their reign and the non-existence of organized forms of self-defence, has forced them to migrate to the city of Satipo (3). In the city there has been no formal arrangement for receiving or housing these families, so after some days spent walking aimlessly around the city, they usually got jobs as day labourers.

Alto Perené and Satipo

The Alto Perené and Satipo region is an area of ancient colonization. The expansion of the demographic and agricultural border in this region since the beginning of this century triggered the cultivation of coffee which intensified during the 40s when prices on the world market increased significantly. The highways crossing Alto Perené and the Satipo valley date back to the beginning of the century and thereafter in the 70s the two valleys were united with the construction of the Carretera Marginal.

This ancient process of colonization has had serious repercussions for the Asháninka population, the traditional inhabitants of these valleys. Its impact on their territory was such that today theirs represents one of the areas in the country in which the native population live under the poorest conditions with respect to land holdings. The average size of land per family in the interior of the native communities among the Asháninka in this region is 13 hectares.

Asháninka live in native communities surrounded by settler populations. The settlers run small or medium-sized coffee farms and orchards. In the communities yucca is cultivated for internal consumption and coffee as the main commercial product (Swenson 1986).

Sendero Luminoso made its first incursions into the valleys in 1988. Groups of their members subtly conversed with the population and implanted their ideology. The people hovered between being indifferent and expectant until in 1989 the authoritarian methods of the Sendero Luminoso became more apparent.

Sendero Luminoso ordered that coffee cultivation be abandoned and that the people devote themselves exclusively to products which they consumed themselves. This directive, which in places such as the Ene river where the woods still exist and where there are resources for hunting, fishing and harvesting could be viable, in an area such as Perené and Satipo it is unfeasible. The forests have been severely plundered and the natural resources of hunting, fishing and harvesting are practically non-existent. The Asháninka people, although to a lesser extent that the settlers,

A trench, used both to take cover in and to defend against attacks. Photo: IWGIA archives

gear their production and consumption chiefly according to market forces.

Sendero Luminoso encouraged the dissolution of the indigenous communities which they branded »left-overs of the old State« and renounced their authority. The goal of SL was to institute popular committees within the Asháninka and to rule through them. As far as the Asháninka are concerned, if the indigenous community represents the result of colonization and the plunder of their lands, it is also an element of internal cohesion for the defence of the lands which they still possess.

Sendero Luminoso started the capture and forced recruitment of youths and children. This was the point of greatest dispute for the Asháninka.

Energized by the uprising and success of the Pichis river Asháninka against the MRTA, the Perené and Satipo communities forming the organization, CECONSEC, met in February 1990 and decided to organize their strategy of self-defence and to fight the Sendero Luminoso. Some of the settlers, in turn also arranged their own system of defence.

The Asháninka consolidated their fighters into what they called the »Asháninkan army« in Aldea Pichanaqui. They solicited voluntary taxes from the communities and settlers for the maintenance of »Asháninkan army« in exchange for which they handed out receipts. The aim of the formation of the »Asháninkan army« was to reinforce the smaller communities which were besieged by Sendero. They established check points on the Carretera Marginal in order to identify and capture members of Sendero Luminoso.

FECONACA (Federación de Comunidades Nativas Campa), another group of native communities in the Satipo area set up a checkpoint on the main road at the same altitude as Yavirironi. In June 1990 there was a confrontation at this location between members of CECONSEC and FECONACA which resulted in several deaths and injuries.

Old disagreements have existed between these groups. CECONSEC has criticized the leader of FECONACA for his personnel policy. One of the strongest critics of FECONACA was the CECONSEC Secretary of Defense, Antonio Ungaro, who disappeared at the checkpoint on 23 March 1990. The differences which existed between the national confederations to which these groups were affiliated worsened the situation. CECONSEC was attached to AIDESEP and FECONACA to CONAP.

The confrontation between CECONSEC and FECONACA took place on the night of 4 June 1990 when 54 members of the »Asháninkan army« were dispatched from their headquarters at Aldea Pichanaki to Tsiriari with the intention of reinforcing the defence of the latter.

As they were aware of the problems which could arise at the checkpost at Yavironi, they hid themselves in the rear of the lorry. The men at the post intercepted the truck and on noticing the hidden men shot at them. Seven were killed and the rest managed to escape.

In July 1990 CECONSEC condemned the existence of a band of Asháninka and settlers who, trying to pass themselves off as members of the Asháninkan defence team, went around robbing and harassing people(4).

In an assessment by CECONSEC that their defensive actions were being abused by delinquents and that there had been a relative folding of Sendero in Satipo and Alto Perené, it was decided to disband the »Asháninkan army« and to stop the security controls on the roadways. After the disbanding of the Asháninkan army the military forced the group to make the grand rounds among the settlers and some of the Asháninka communities have actually been incorporated with the settlers'.

Asháninkan self-defence was established with the knowledge of the civil and military authorities but the latter did not intervene in any direct way in the activities of defence.

The Asháninka set up the defence system against Sendero Luminoso as the only way to face their adversities and to secure better conditions for the communities.

Action by the Peruvian Army and the sinchis against the civilian population in this region has been denounced by the human rights groups (5). The sinchis have been condemned by CECONSEC itself for having committed abuses and extortion against the people (6). The condemnation of the Army made by these groups are prior to the installation of the military base in Satipo. This base was established in April 1990.

Members of Sendero Luminoso have died at the hands of the Asháninka in their defensive operations. This took place in the armed conflicts and also during captures conducted at checkpoints. When the members of the self-defence squad handed over their prisoners to the authorities, they turned them away saying that »they should deal with it«.

The extrajudicial executions which have been a part of Asháninka and settler defence schemes ought to be viewed as the main responsibility of the State, which does not make provisions in those places, neither in their directives nor through indispensable means by which captured persons can be processed within the terms of the Constitution and dictates of the law. On the other hand the civil, military and police authorities are very far from listening to the State, they themselves are committing these same human rights violations.

In the area around Satipo and Perené, Sendero Luminoso has lost a battle in which Asháninka self-defence has had significant influence.

Conclusion

It is difficult to know to what extent Sendero Luminoso has captured Asháninkas for their party and movement and to what extent they control these people by armed force. However, information collected indicates that the predominant thing is their imposition through force and terror.

Sendero Luminoso has the ability to unleash stored rage because of generations of social injustice which the Peruvian State throughout history, in many cases has encouraged (Montoya 1991). This unleashed rage partly involves some of those in the ranks of Sendero, feeding the violence they promote. But it has also sparked rage in a significant cross section of people determined to fight them, who far from seeing SL as a protector of social justice, see it as a ferocious dictator who arbitrarily decides on the life or death of people.

The combination of various factors influenced the success of Asháninka self-defence in the Pichis valley:

1. 80% of the population in the Pichis valley is Asháninka and own an ample area of the valley which allows them to have, through organization, significant control over what is happening in their territory (8).
2. They had an organization with years of training and a legitimate leader who united the communities in the valley. The murder of this beloved leader provoked the indignation of the people.
3. The armed group which was challenged was MRTA and not Sendero Luminoso. The already weakened MRTA, on seeing the reaction of the Asháninka towards the murder of their leader and the legitimacy he held in the eyes of his people, opted to retreat from the valley rather than face the massive confrontation by the Asháninka.
4. The Asháninka readiness to fight for self-defence, their organizational ability and the existence of leaders capable of heading the struggle.
5. The holding of beliefs which within the Asháninka culture reinforce the power of the warrior.

If in Perené and Satipo, the existence of CECONSEC as an Asháninka organization which defends indigenous autonomy based on democracy for its people, has contributed in organizing self-defence and has effected a significant folding of Sendero Luminoso in the communities, the fact that the were only 19% of the population of the valley and had at their disposal a summarily fragmented and restrictive territory has prevented them from taking greater control of the situation.

In the Ene valley there was no indigenous organization which could unite the communities behind an autonomous platform. The influence of drug trafficking, the cultivation of coca and almost total absence of the State facilitated the Sendero Luminoso in controlling this region. In the case of the Tambo river, CART appeared not to have had a clear plan for indigenous autonomy and when they decided to organize self-defence, Sendero Luminoso had already gained sufficient control in the region of Alto Tambo to prevent it. Currently CART's self-defence committee is presently preventing Sendero Luminoso from advancing towards lower Tambo.

In the cases of Bajo Perené, Pangoa and Sonomoro, indigenous organization on the level of federations is quite weak. The self-defence which has been established in those valleys has been more on the initiative of each community and without great unity and major direction. This is the form self-defence has taken among the settlers as well. They have no organization which unites them at higher levels.

From the analysis of what has happened in the various Asháninka regions we can conclude that self-defence has been the main force in preventing the advance of Sendero Luminoso and its dogmatic authoritarianism. On the other hand, it is well

known that the places where self-defence has had most success is where there has been greater basic organization and greater clarity in its indigenous plan. The various sectors of the society and the State should recognize the importance of this movement.

In what is referred to as the firm struggle in this region, the State should set the example in respect for human rights. and provide the means and channels for self-defence to act within the terms of the Law and Constitution. It is not a matter of who can terrorize more, whether it is the Sendero Luminoso or the State through its Armed Forces and Police. It is a matter of seeing who can guarantee a more just life and a more democratic life to the people.

Asháninka self-defence should be strengthened from within as the only real guarantee at present for the defence of a democratic and autonomous plan. The State should adapt itself to influencing these indigenous projects from a pluralistic and, at the same time, unifying position.

Notes:

(1) In 1983 there were 5,806 Asháninka and 4,370 settlers in the Ene Valley. (Ordoñez 1985:19)

(2) On 24 February 1990, a military column attacked the Tsaiari community. One settler was killed, several wounded and three members of Shining Path killed. (Information supplied by the CECONSEC). In March 1990 Sendero Luminoso attacked the Cubantía community. 50 settlers died. On 12 April 1990 Sendero Luminosoattacked the colonists village of Naylamp. 36 died. Similar things occurred in the Lower Ene and Pangoa communities. On 29 January 1990, 36 Ashaninkas, including women and children, from the Higher Sanibeni community were murdered by Shining Path (Ballón 1990). On 28 January 1991, Sendero Luminoso murdered the chief of the native community of Monterrico. (Information supplied by the CECONSEC).

(3) In November 1990 the CECONSEC estimated that 117 Asháninka famílies (around 585 people) were in Satipo, having moved out of Tambo, Ene, Lower Perené and Pangoa.

(4) Statement made by the CECONSEC on 22 July 1990 in »La República).

(5) APRODEH denounced that on 11 May 1989 a patrol of Sinchis from the 48th Mazamari Command captured 4 settlers from the Higher Chalvi region (Satipo), who have since disappeared. They warned the families not to continue their investigation. (Rodrigúez 1990). On 17 May 1989, American Watch denounced that a military column of around 100 soldiers detained 20 settlers from Calabazas region in Satipo, 11 of whom were found dead the next day. (Rodrigúez 1990). APRODEH denounced that 3 teachers from the San Fernando Integrated Education Centre in KIVINAKI (Perené) were detained in May 1989, they have disappeared. (Rodrigúez 1990). APRODEH also blames the Peruvian army for the detention and disappearance of the deputy governor and another 8 people from the Teruriari River settlement (Satipo) (DDHH Boletín Informativo, April-May 1990). These organisations have also denounced that Sendero Luminoso and MRTA are responsible for the murders of Asháninka mayors and settlers and colonists from this valley, as referred to in this article.

(6) Statement made by the CECONSEC on 22 July 1990 in »La República«.

(7) Each Asháninka family in the Pichis Valley has an average of 194 hectares of land. (Swenson 1986).

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❑

Book Received

Jack Weatherford

Indian Givers: How the Indians of the Americans transformed the world

Ballantine Books, N.Y. 1990, 272p.

Beginning with a present day illustration of mine-working in Cerro Rico (Bolivia), J. Weatherford redraws 500 Years of colonial and »post-colonial« history by following the (trade) ways of indian goods (silver, cotton, uranium, etc.) and knowledge throughout the world. The discovery of the Americas had not only the effect of making world industrialisation to a large extent possible, but influenced all other levels of every-day life as well; agriculture & nutrition, medicine, architecture, even fashion, but also ideology and philosophy. Furthermore it left its trace in art, e.g. literature and drama. In a strong and colourful narrative style historical facts and scientific proofs are pulled together to form a detailed picture of past centuries history until today showing very clearly the immense contribution of American indian cultures to the world, but also the world's interaction.

5 IWGIA DOCUMENTS ON

BRAZIL

19. The Brazilian Indigenous Problem and Policy: The Aripuana Park
by Jean Chiappino, 1975

22. The Yanomami in the Face of Ethnocide
by Jacques Lizot, 1976

32. The Integration of the Indigenous Peoples of the Territory of Roraima, Brazil
by Ernest C. Migliazza, 1978

44. Indian Areas threatened by Hydroelectric Project in Brazil
by Paul Aspelin & Silvio dos Santos, 1981

59. The Aripuana Park and the Polonoroeste Programme
by Carmen Junquiera and Betty Mindlin, 1987

$ 10 + Postage for all 5 Documents

Cholera in Latin America

By Jorge Fava

»They ask us to dig latrines one metre deep but we don't have any shovels; they tell us not to eat fish but we don't have any other food«.
Cacique Lescano (Indian Chief)
Santa Victoria East, Salta, Argentina.

The Origin Of Cholera

Vibrio Cholerae is a bacteria which originated in India, more specifically in the Ganges delta. This illness is endemic in India which has a record of huge epidemics, for example those of 1543, 1761, 1768 and 1783, with thousands of deaths. In 1817 a cholera epidemic, which started in India, spread across the whole of Asia. Subsequently, in 1826, it entered Europe, spreading along the banks of the Volga. It appeared in England in 1831-1832, and from there it rushed into continental Europe. At the same time the Irish emigration to the coasts of America transported the »Vibrio Cholerae« across the Atlantic, affecting Quebec, Montreal and New York. This pandemic ended in 1829 having caused a huge number of deaths.

Once the Red Sea route had been cleared, international trade between Europe and India resumed and accelerated the spreading of cholera. Three big epidemics shook the countries of Europe, even reaching some regions in America. It entered South America in 1847, ending up in Brazil and Uruguay.

Latin America and the Plague

The indigenous peoples, who are most exposed to the contagious cholera, comprise the greater percentage of the so called »risk groups«. They have three basic factors in common: they are undernourished, they do not have drinking water and they are lacking an efficient drainage and

sewer system. The lack of drinking water forces them to get it from the rivers, streams and springs which means the risk of infection on a large scale is inevitable due to the fact that the »vibrio« can survive for up to 280 days in neutral or slightly alkaline water. In order to become infected, a person needs to drink between one hundred million and ten thousand million bacteria per millimetre, because the high level of acid in the stomach efficiently eliminates the »Vibrio«. In the case of someone suffering from malnutrition and other related illnesses, stomach acid is no longer present so that ten thousand bacteria per millimetre will be enough to infect him.

The asymptomatic carriers are also another important contagious factor, it is calculated that there are seven or eight healthy carriers for every one registered sick person, because although they do not become ill, they pass on the illness. The bacteria has an incubation period of three to five days, but a person could carry the »vibrio« inside him for a month without having any of the symptoms, and if the bacteria is situated in the gall bladder it could be several months. Under such conditions, the moving around of the indigenous workers from community to community turns the situation into a potentially explosive one. The poverty of their lands does not allow them to develop according to their ethnic role model, it obliges them to emigrate temporarily from their village communities to find jobs as a part of salaried work force under abominable contract conditions. The contact between the different indigenous groups, resulting from this kind of work, accelerates the spreading of cholera among the ethnic groups. In Argentina for example, the *Wichis* from the province of Salta are presently in the middle of the banana harvest in Salta, but in the winter they move towards the horticulture and citric fruits area of Jujuy, thus opening up the possibility of a new infectious outbreak.

Without any doubt, the extreme poverty in which the indigenous Latin American peoples live creates precisely those conditions which give rise to a cholera epidemic.They have been plundered and exploited for over 500 years by an accumulative economic system which, hypocritically, deprived them of the benefits which they themselves had created and worked for.

The overall view of the cholera pandemic in Latin America on 6 February 1992 is the following:

Peru: Here the »vibrio« appeared for the first time between 2 and 4 February 1991 in Chimbote. During the first five days of the declared emergency there were 12,000 cases, 86 of which were fatal. By the next month the cases of infected people had risen to 45,000 with 193 dead. By April there were between 150 and 200 new cases every day. There were 120,000 infected in all with 750 deaths. The latest figures available are horrifying: 285,438 people have been infected and 2,720 have died.

Amazon: According to a report by the Intersectoral Cholera Committee (July 1992), 90% of the 8 thousand inhabitants of Belen (Peru), who live on the banks of the river Amazon are infected by the »vibrio cholerae« bacteria, although 70% of them are asymptomatic. In the Loreto district, three months after the first case had appeared, 3,885 people were attended to and 180 deaths were recorded. If the epidemic were to reach Alto Somaes, Brazil, 20,000 indigenous natives from 64 communities would be at risk.

Bolivia: On 27 August 1991, a contagious epidemic broke out, spreading quickly through the country. Today, the situation in the Cochabamba district has become uncontrollable, the cases of cholera are increasing by 13% daily, which means that 60 more people become ill every 24 hours. The latest official figures which are known indicate 800 cases and 37 deaths. These figures are doubtful because, according to evidence which has been gathered, the Bolivian government are withholding information because the situation would affect their export of raw materials and foods.

Argentina: On 5 February 1991 the Ministry of Health and Social Action of the nation acknowledged that there were 45 people infected by cholera, 6 of whom had died, all from predominantly indigenous areas. The following day the number of those infected has risen to 100 and 9 had died. At this present time there are 210 cases of infection.

Ecuador: Cholera made its appearance on 4 March 1991 in an area close to the border with Peru. A total of 40,465 cases and 623 deaths.

Colombia: The first case was recorded in Puerto Tumaco, located near the border with Ecuador. A total of 10,258 cases and 145 deaths.

Brazil: On 15 April 1991, the first case was recorded in Amazon territory, near Peru and Colombia. A total of 326 cases and 3 deaths.

Mexico: Date of first entry: 23 June 1991. A total of 2,208 cases and 29 deaths.

Guatemala: Date of first entry: 29 July 1991. A total of 2,737 cases and 29 deaths. In this country the indigenous population, which constitutes the majority, were severely affected.

Conclusions:

Cholera was fittingly called »the illness of poverty«, for it is this, and only this, which creates the necessary conditions in which cholera appears and subsequently spreads geometrically. However, those who explain the cause of the epidemic by blaming the cultural ways and traditions, which are supposedly primitive (2), only seek to justify and/or conceal a disgraceful situation which has existed in these South American lands for over 5 long centuries.

In the meanwhile, the Latin American governments try to make the severity of the situation appear less by working in an uncoordinated fashion without a uniform criterion for acceptance, treatment and surveillance, and acting in a way that only aims at overcoming the situation, with the intention of having cholera »under control« on the surface.

The following are a list of basic directives which should be carried out in indigenous areas:

Immediate Steps to be Taken

a) The piping of sewage drainage and construction of drains where they are nonexistent.
b) The construction of water purifying plants and permanent controls of the drinking water.
c) Greater control of the environmental and habitat hygiene (this phase is correlative with the previous ones)
d) the sanitation/health projects which aim to combat and prevent a cholera epidemic in the indigenous communi-

ties should acknowledge and respect the ethnic dissimilarities, with the aim of lessening the cultural impact and thus achieving satisfactory results.

Long Term Plans

a) Periodic health care on a permanent basis for all the local communities, with support for the traditional medicine. Creation of health posts and creation of indigenous health agents with an adequate supply of medicines;
b) handing over of enough quality land which the indigenous peoples can develop according to their economic and sociocultural needs;
c) economic support for selfdevelopment programmes with concessions for special credit lines; and
d) medical help cover for those who find temporary work outside of the community.

In Latin America cholera has left the marks of misery and depravation, dramatically outlining the indigenous areas as those worse affected.

NOTES:

(1) The figures which have been supplied do not differentiate between the indigenous and nonindigenous population.
(2) Peru, mainly indigenous and therefore »primitive«, had never suffered from a cholera epidemic, whilst the »civilised« Europe had been devastated several times by this illness. It is only today, with poverty increasing greatly on a daily basis, a product of irrational adjustment planning, that the »vibrio cholerae« has gained a foothold in this country.

Sources: Buenos Aires newspapers and magazines: Clarín 06/02/92, 11/02/92, 12/02/92, 16/02/92, 18/02/92 and 02/03/92. El Cronista: 10/02/92 and 14/02/92. La Nacion: 13/02/92, 23/02/92 and 28/02/92. Página 12: 12/02/92. Acción: 12/02/92. Visión: 24/7/92. ❑

Book Received

Megan Biesele. Paul Weinberg

Shaken Roots

EDA Publications, Marshaltown, South Africa.

The Bushmen, Africa's first inhabitants, have been struggling for many years to hold onto their land and their hunter-gatherer way of life.

Less than 3% of Bushmen in Namibia now have access to land. Survival today depends on cash wages from the army (now no more) and farmers. Under the auspices of the Nyae Nyae Farmers Cooperative, the Bushmen with land are learning skills in cattle farming and vegetable gardening. Making and selling of crafts is also becoming a source of income as the Bushmen search for ways to adapt to a market economy.

Today Bushmen find themselves at the bottom of the pile in the struggle for a new Namibia. Historically maltreated and exploited they continue to be regarded as »children of nature«, »beautiful little people«. The persistence of the mythology is a barrier to our understanding of a people in transition.

This book seeks to come to grips with the situation facing the Bushmen of Namibia today. Megen Biesele, a skilled anthropologist, fluent Ju/'hoan linguist and director of the Ju/'hoan Bushman Foundation, gives us a succinct analysis textured with in-depth cultural perceptions from the people themselves.

Paul Weinberg's photographs take us on a journey into a transient culture, at one time stable and in harmony with nature, today struggling to transform its past into a new practice for the future. Text and photographs make up a documentary portrait of a group of people mythologised and misrepresented by »experts« and explores the possibilities of a more self-reliant future in a modern era.

Guatemala:

Rigoberta Menchú, 1992 Nobel Peace Prize Candidate

By Adolfo Pérez Esquivel

Guatemala

Rigoberta Menchú Tum, indigenous Quiche, the founder and leader of CUC, the Committee for Peasant Unity of Guatemala (Comité de Unidad Campesina), and a member of RUOG, the Guatemalan Opposition Coalition (Representación Unitaria de la Oposición Guatemalteca) was officially nominated for the 1992 Nobel Peace Prize.

This candidacy is supported by the Continental Campaign for 500 Years of Indigenous Black and Popular Resistance.

Adolfo Pérez Esquivel, Nobel Prize Winner 1980 was responsible for the registering of Rigoberta's candidacy before the President and members of the Nobel Prize Committee. Here is the text which was presented for this outstanding defender of human rights.

On presenting the candidacy of Rigoberta Menchú for the Nobel Peace Prize I wish to begin with the thoughts which Rigoberta expresses in her story of the past 500 years and which tell of suffering and persecution, but also of a strong spirit of resistance and hope for a life of dignity, and respect for the identity of her people.

»My committment to the struggle has neither limits nor space; only we who carry our cause deep in our hearts are prepared to run any risk.... We hid our identity because we knew how to resist.....It has always been said: the poor Indians do not know how to speak; so many spoke for us, therefore I decided to learn Spanish....« »We have to overcome the

Rigoberta Menchú, by Naja Abelsen

present through the memory of our forefathers...«

Rigoberta Menchú is a Quiche Indian of the village of Chimel in San Miguel de Uspantán. Hers is one of the most important of the twenty ethnic groups in Guatemala.

The situation experienced by her people and by the entire population of Guatemala, i.e. repression, persecution, destruction of villages and of ethnic groups by military dictatorships is also the story of the Indian peoples throughout the entire continent. Unfortunately, these atrocities continue to this very day despite the fact that the governments are so-called democratic. The Indian peoples suffer racial and cultural discrimination throughout the entire American Continent and the outcry of the Indian people is raised through the voice and person of Rigoberta.

Her life is a testimony, a living testimony of the genocide of which her people and family have been victims. Rigoberta's voice rises with heart-rending strength and beauty, it transmits the cadence of the communities, of their repressed cultures and asserts its cultural identity.

Rigoberta Menchú does not preach racial struggle, nor does she refuse to recognise the existence of the mestizo population. On the other hand, she demands the recognition of her culture, an acceptance of its inalterability and the share of power which by right belongs to her people.

The Indians in Guatemala, as in other countries of Latin America, constitute the majority of the population.

In a manner of speaking, despite distance and different circumstances, one could compare the situation of the indigenous peoples of Latin America to that in South Africa where the white minority wield absolute power over the black majority.

As an indigenous Indian and therefore a victim and because of the power of circumstances which thus have shaped her life she was compelled to become the leader and voice of a suppressed people. She left her job as a catechist in order to assume her role as leader. She had to learn the Spanish language in order to communicate as her own language is Quiche. Rigoberta has adopted the spoken word as a means of struggle just as she also has adopted the

written word with the help of friends. Her book »My name is Rigoberta Menchú« by Elisabeth Burgos Debray is a testimony of her life and that of her people.

Her childhood was spent in her community in the mountains, where she learned from her elders and her parents. At the age of eight she started to work on a farm as a wage-earner as is normal for the poor, and Rigoberta says that this is when her »conscience was awakened.....« She had to collect 35 pounds of coffee a day for which she was then paid 20 cents. If, at times, she did not reach her quota she continued earning the same 20 cents on the following day.

Rigoberta's father was imprisoned for defending his lands against the landowners who tried to dispossess the peasants of their lands and this is a grave problem which still exists throughout Latin America. Vicente Menchu became a leader and dedicated his life entirely to the problems of the community and to the defence of the rights of the peasants. In 1967 the complicity of the authorities with the landowners caused anguish and worry to the Indians coupled with the threats to take away their lands.

Rigoberta recounts how they were thrown out of their village and their home. The soldiers came in and threw them out, they stole their belongings and killed their animals. These and similar events – torture, assassinations, etc. – were committed by the army and the landowners.

Confronted with the troubles of her people, Rigoberta starts her organisation work. This awakening of her conscience led her to assume obligations to her people and the communities.

She remembers when her brother of 16 was captured and tortured and burned alive along with other Indians, as she also remembers the death of her father who was also burned alive during the capture of the Spanish Embassy in 1979. Rigoberta's mother, a leader working in her village, was arrested and assassinated on the 19th April, 1980 after several days of torture. She was put on display, hung and left to die by the military who hoped that Rigoberta would come so that they could also arrest her.

She recalls that her mother said to her »I am not asking your to stop being a woman, but your part in the struggle should be equal to your brothers«.

The pain and suffering which has marked her life has also shaped her for resistance, for the struggle alongside her people, and for the service of those most in need. She foregoes her own happiness just as she has renounced marriage and motherhood. She talks of the Guatemalan woman, of machismo, of the oppression which permeates Guatemalan society.

»Great sacrifices are necessary and due to our perception we peasants have learned to manage our own struggles. Of course your need a person who has experience to run things. Not that one thinks better when one has suffered more hunger.....But we are only really aware when we have actually personally experienced things. I can honestly say that the majority of those involved in the running of my organisation are indigenous, but ladinos also participate just as there are women who take part in the management. We must wipe out the barriers which exist, be these between ethnic groups, between Indians and mestizo, between languages, between women and men, between intellectuals and non-intellectuals....«

This short synthesis shows the ideals and the life of compromise which is Rigoberta Menchú's and her journey and struggle for life and dignity for her people, for the Indians, the peasants, the ladinos, and for the entire Guatemalan society.

Guatemala is a country which has been submitted to systematic and structural violence under successive dictatorships which have caused the deaths and disappearances of more than 150,000 persons.

The so-called Model Villages are nothing better than concentration camps where humans are caged like animals, their lands are confiscated and the so-called Poles of Development confine the survivers under terrible conditions. For the army the existence of these centres of confinement is a means of censoring and controlling the peasants who are suspected of swelling the ranks of the guerrilla movements and it constitutes one of the cores of counter-insurgent policy. This policy is part of a low intensity strategy and even today the disappearances and the terrible repression continues.

Rigoberta Menchú has become the representative of the peoples, a voice which claims the right to truth and justice, the right to identity and life for indigenous cultures and peoples. Hers is a voice which denounces the injustices committed against the people of Guatemala. In the UN, the Organisation of American States Commission for Human Rights (OAS) has permanent information about the situation and conditions of life of the Guatemalan people and, in particular, of the Indian community.

Rigoberta is carrying out an intense national and international action in order to achieve liberty and the basic guarantees which make the construction of a genuine democracy possible and not just a front for democracy. On the other hand, a dialogue has been underway between the government and the forces for the opposition for some time now.

Here is an Indian woman who has known suffering and pain, but who, despite everything, has not abandoned her principles and she shows the world the true meaning of dignity and struggle for the freedom of her people.

The past 500 years in the history of the indigenous peoples plus the contributions of other races and cultures have marked the life of the peoples of this continent.

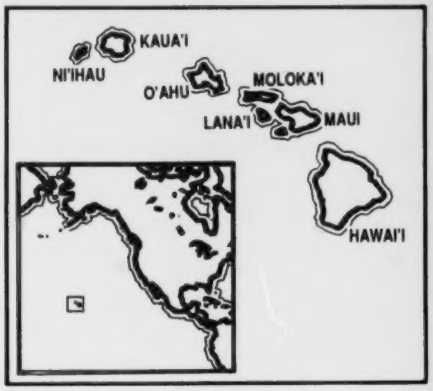
Rigoberta has contributed to the attainment of peace and liberty and her struggle sums up the solidarity of the peoples in the face of oppression and violence.

Therefore, Mr. President and honourable members of the Nobel Committee, I present the candidacy of Rigoberta Menchú for the 1992 Nobel Peace Prize. Justice will be done to an entire continent. ❑

Hawai'i:

Administering Hawaiian Homelands:

A Trust Broken – Civil Rights Denied



Hawai'i

By: Ulla Hasager and Kawaipuna Prejean

»The United States government has failed to fulfill its trust obligations to Native Hawaiians to implement the Hawaii Homes Commission Act of 1921.« The failure to enforce the trust constitutes *»a denial of the civil rights of Native Hawaiian beneficiaries.«* This is part of the conclusion of the univocally submitted, fact-finding report, *A Broken Trust: Seventy Years of Failure of the Federal and State Governments to Protect the Civil Rights of Native Hawaiians,* released on December 12, 1991, by the Hawaii Advisory Committee to the United States Commission on Civil Rights.

This report, written by senior civil rights analyst, John F. Dulles II, is a very important document for Kānaka Maoli (Native Hawaiians), even though it addresses only part of the problem of civil rights, totally ignoring the economical, social, cultural and traditional rights of Kānaka Maoli. Furthermore, neither the Committee nor the Commission has any power to enforce recommendations; but, according to Committee chairman, André Tatibouet, although the Commission has no power to require federal agencies to act, commission studies have had a significant effect in the past.

Kia' ina (governor) of Ka L hui Hawai'i (The Sovereign Nation of Hawai'i – a Native initiative for self-government), attorney-at-law, Mililani Trask, expects the report to have far-reaching effects, creating political pressures that could force offending parties into corrective action (*Star-Bulletin*, Dec. 13, 1991).

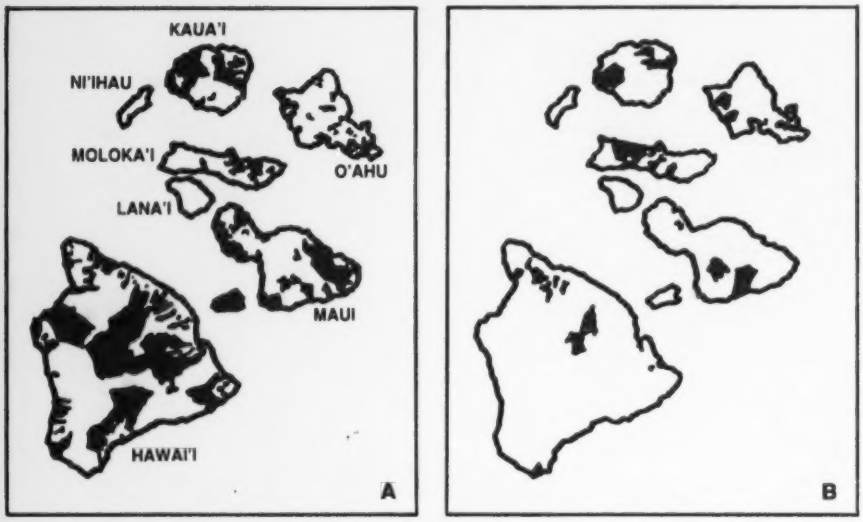
Hawaiian Land

In 200 years of contact with the Western world, the Kānaka Maoli, suffering a population decline of genocidal proportions, have lost control over the greater part of their homeland. With the Great M hele (Division) of 1848 – by the colonial trick of »division« and confusion for taking – which instituted private ownership of land, it became possible for latecomers to claim to own land in Hawai'i. Instead of the Kānaka Maoli sacred relationship to land – aloha ' ina, caring for the land and sharing of resources – land was made a commodity. »Western Imperialism had been accomplished without the usual bothersome wars and costly colonial administration«, as Prof. of Law, Neil M. Levy, expressed it (1975). In the next half-century Westerners usurped most of the Hawaiian land.

By an »act of war« and a »lawless occupation,« as U.S. president Grover Cleveland labelled it, the United States invaded Hawai'i and stole the public lands (so-called Government lands and Crown lands) in the 1893 overthrow of the Hawaiian monarchy. This action was followed in 1898 by an illegally enforced annexation of the Hawaiian nation, not by treaty or statute, but by theft of annexation and with neither consent of nor compensation to the Kānaka Maoli; thus violating five existing treaties, the U.S. constitution, Article 6, Chapter 2: »Treaties are the supreme law of the land,« as well as international law.

While the 1898 resolution recognized the original vested interest of the Indigenous Kānaka Maoli in the 2.4 million acres of »public lands« stolen by the bogus provisional government in 1893, the U.S. government unilaterally imposed a »ceded land trust« rendering the Kānaka Maoli non-consenting, dependent wards. Since then, shifting »trustees« with control over lands (»5(f) ceded lands«), now reduced to 1.4 million acres, have continued to violate their imposed trust.

In 1921, the Hawaiian Homes Commission Act created a »second land trust« and set aside more than 200,000 acres (around 5 percent of the islands) for homesteading by Kānaka Maoli, defined by the federal government as those with half or more Hawaiian blood, thus dividing the people against themselves. Like earlier imposed attempts to homestead Kānaka Maoli, this project was problem-ridden from the start. The supposedly humanitarian effort for securing for the surviving descendants of an Indigenous people, glossed »rehabilita-



Hawaiian Public Land Trusts
a. Total all islands: 1.431.000 acres
b. Total all islands: 190.000 acres

tion,« were prevented by the strong interests of the sugar oligarchy, threatened by their expiring leases of big areas of prime »trust« land.

»Although the Commission was authorized to lease parcels to Native Hawaiians for 99 years at nominal rates, the land made available was arid and of marginal agricultural value. [...] Furthermore, homesteaders' land rights were limited: they could not sub-let, transfer or mortgage the land to non-Hawaiians and they even needed Commission approval to transfer to Hawaiians. Finally, the Act provided little financial assistance to Native Hawaiians desiring to erect homes and begin farming operations« (Levy 1975:865).

The United States did *not* honor Article 73 of the United Nations' Charter which recognized self-determination for Hawai'i as a self-governing territory, legalizing this non-compliance by making Hawai'i a state in 1959. The United States' imposed Statehood Admission Act further attempted to diminish the indigenous vested interest in lands. Instead of just one purpose to the »ceded public lands« for »the benefit of the inhabitants of the Hawaiian Islands,« there were now five purposes, only one of which was for the »betterment of Native Hawaiians as defined in the Hawaiian Homes Commission Act.« No revenues from the »ceded land trust« have been awarded to the Kānaka Maoli »beneficiaries.« With statehood, primary administrative responsibilities for the Hawaiian Homes Trust Lands were transferred from the federal government to the state of Hawai'i, but the federal government retained significant oversight responsibilities. At the same time Kānaka Maoli were excluded from any acts, laws and statutes which provide Native Americans the right to be self-governing and to control their aboriginal land.

Today, the 200,000 descendants of the original inhabitants still living in the islands *»suffer disproportionately from economic and environmental adversity. Recent statistics compiled by the State reflect that 34 percent of Hawaiians live in poverty. They represent almost one-fifth of the State's population, they make up about 46 percent of adults and 66 percent of youths in correctional facilities. Of the State's 14,000 adults on welfare, one in three is Hawaiian. They have a death rate 34 percent higher than the average American and the highest lung cancer rate in the nation,«* the report summarizes *(A Broken Trust* p. 39). Add hereto that the real estate value is skyrocketing, that the costs of living are among the highest in the areas claimed by the United States, and that, therefore, many Kānaka Maoli have found it necessary to leave the islands to survive.

The Hawaiian Homelands Program

The Hawaii Advisory Committee's report addresses only the problems concerning the small »second trust« lands. It concludes:

»After 70 years, the Advisory Committee finds that the homesteading program has provided very few tangible benefits for the beneficiaries of the trust. Only 17.5 percent of the total available lands are being homesteaded. At the same time, over 62 percent of the lands are being used by non-natives, often for minimal compensation. Especially egregious is the continued questionable use of valuable homelands by the United States government, with virtually no compensation to the trust. These include some of the most suitable lands for the development of homes. With a waiting list of over 20,000 applicants, it is unconscionable that the United States should continue to so blatantly and arrogantly defy the interests of the Native Hawaiian community, whose rights it should be aggressively defending. The Advisory Committee solicits the help of the United States Commission on Civil Rights in requiring the return of these improperly held lands, or an exchange of lands at least equally suited to homesteading« (Letter of Transmittal by André S. Tatibouet).

»Unlike other Native Americans, Hawaiians have never received the privileges [!] of a political relationship with the United States. Yet Hawaiians, whose former kingdom was a member of the international community of nations and recognized by the United States, have a compelling case for Federal recognition. The lack of formal recognition [...] has resulted in [...] the denial of valuable legal rights to sue for discrimination. This constitutes disparate treatment and must be remedied without delay« (p. 43-44).

The report summarizes its findings and recommendations in 12 points, criticizing the federal and state governments, calling for responsibility, technical and financial help and a compilation of an exact inventory of the Hawaiian Homelands. Very serious criticism of the administration of the Department of Hawaiian Homelands concludes that some *»have died and many more certainly will without receiving the benefits promised in the Hawaiian Homes Commission Act.«* Some calculate that as

many as 30,000 people have died in this subtle form of genocide.

The Committee calls for the creation of a new administrative mechanism, because it finds that *»it is unlikely that the Hawaiian Homes program will ever succeed unless the trust functions can be managed in a more independent, aggressive, and creative manner, with increased accountability to the beneficiaries. The new administrative structure should be governed and primarily directed by Native Hawaiians«* (p. 47). By now, the »beneficiaries« are unable even to try to secure their rights through legal channels. Only the federal government can sue the Hawaiian State/Department of Hawaiian Homelands for breaches of trust. This is just one of several paradoxes in the Hawaiian Homes Commission Act and its amendments, that makes the administration, not to say the obtaining, of the homelands a very complicated matter.

Members of the newly formed coalition of some 40 Hawaiian groups, Hui Na'auao, at Sovereign Sunday, Jan. 12 1992. For 16 years Sovereign Sunday has been held at the »Ioalani Palace Grounds, commemmorating the U.S. armed invasion of HAwai'i in 1893 with discussions, prayers, music and dance, according to coordinater, Kawaipuna Prejean. Photo: Ulla Hasager.

Right to self-determination

Like Indigenous peoples all over the World, Kānaka Maoli consider a land base tantamount to self-determination and necessary in order to live, to practice cultural traditions, and to ensure the right to self-sufficiency. Presently the UN Working Group on Indigenous Peoples under the Sub-Commission of Prevention on of Discrimination and Protection of Minorities is in its 10th year of drafting the long awaited »Universal Declaration of Rights of Indigenous Peoples,« as well as working on the United Nations mandated Treaty Studies under the auspices of Mr. Miguel Alfonso Martínez. By its resolution 45/164 of 18 December 1990, the General Assembly proclaimed 1993 the International Year for the World's Indigenous People. This is also the 100th year of non-self-government for the Kānaka Maoli...

Haunani-Kay Trask, director of the University of Hawai'i's Center for Hawaiian Studies and citizen of Ka Lā hui Hawai'i, considers that because Hawaiian Homelands have been and continue to be abused by the state and federal governments, there is a historical reason to transfer their control to Kānaka Maoli. But the primary reason for the transfer of control is the inherent right of self-determination for all people (*Ka Leo O Hawai'i* 1992).

The Advisory Committee strongly endorses legislation that would »encourage the realization of the goal of sovereignty and self-determination« for Kānaka Maoli. The upcoming 100th years' commemoration of the 1893 overthrow of the Hawaiian monarchy »provides a timely reminder that the remedies are long overdue,« the Committee noted at the Honolulu press conference at the release of the report.

Although the report is an important tool for Kānaka Maoli in assertion of inherent rights to self-determination, it disguises the magnitude of the real issue – sovereignty – and removes the focus from the invasion of 1893 to much more limited, however serious, questions of breaches of trust.

The report is a major embarrassment to the state and federal agencies charged with overseeing the Hawaiian Homelands' program. It has been called to the attention of the United Nations at its 48th session on Human Rights in Geneva, January-February 1992, under item 12 investigating the violations of human rights and fundamental freedoms with particular reference to colonial and other dependent countries and territories. In an intervention on behalf of the NGO International Indian Treaty Council (IITC), representative of the Kānaka Maoli coalition, Ka Pā kaukau (committed to assertion of Kānaka Maoli inherent sovereignty), and delegate of IITC, Kawaipuna Prejean said that »the dismal record of the United States in keeping promises exacerbated the appalling conditions confronting Indigenous First Nations people in lands now claimed by America. [...] Both the [Hawaiian] state and the federal government were recently implicated for their failure to protect the

civil rights of Native Hawaiians for the last 70 years. *A Broken Trust*, a fact-finding report to the Civil Rights Commission, failed to impose sanctions or penalties on the bungling bureaucracies. Yet resistors to these human rights' abuses are forcibly removed and arrested by colonial stooges goon squads and bureaucratic thugs. This soft form of genocide is genocide none the less« (Oral Statement and United Nations Information Service Press Release HR/ 3042, 24 February 1992).

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***The voice has been silenced. Kawaipuna** Prejean passed away before he could see this article published. Kānaka Maoli have lost a dynamic and wise leader, Indigenous peoples all over the World have lost an outspoken and strong supporter, and I have lost a very close friend and co-worker.* Onipa'a k kou!. *Ulla Hasager.*

Alaska:

Tribal Autonomy

The Tyonek Case and Related Developments

Alaska

Overview of Basic Legal Structures
Tribal Status

The issue of tribal status in Alaska Native villages has been common to virtually all recent cases, since tribal status is the core concept without which no issues of tribal powers or immunities ever come into play. Litigation here has been framed by competing interpretations as to how the principles of »Federal Indian law« should be applied in Alaska, as well as by competing interpretations of the historical treatment of Alaska Natives by Congress, the Executive Branch, the State and the courts.

Generally, the recognition of a Native community as a tribe is a political determination that more often than not is made by the Executive Branch (typically by the President or the Department of the Interior) or by Congress. Such determinations, when they are made in this manner, are binding on the courts as a matter of law. This means that when the issue comes up in a lawsuit a legally recognized tribe need not prove it is a sovereign entity by going into a long factual and historical trial; rather, the courts will simply accept without question the congressional or executive determination which has been made.

In the rarer situations where a Native community has not previously been legally recognized as being a tribe, it can still secure court, or »judicial«, recognition, but only after a detailed anthropological and historical inquiry that typically requires a complex and expensive trial. Another alternative is for the Native community to specially petition the Secretary of the Interior through the Federal Acknowledgement Process, or »FAP«. Such a petition usually takes several years and involves the same types of issues and expert study as are required when recognition is sought directly from a court.

With the tribal status of as many as 230 Alaska Native villages at issue, it is readily apparent that 230 trials (or FAP petitions) hang in the balance when the issue is whether Alaska Native villages have already been legally recognized by Congress or the Executive Branch.

One Alaska Supreme Court opinion has flatly ruled that, as a legal matter, virtually none of the Native Villages in Alaska can ever qualify as »tribes« in the sense of being self-governing political units. Namely, Stevens v. Alaska Management & Planning. Recent federal court decisions have disagreed with Stevens formulation, with some ruling that all Alaska Native villages listed in ANCSA are tribes as a matter of law, and at least one court decision suggesting that the issue of tribal status is open.

Indian Country

The second major area of focus in recent years has been the territorial jurisdiction (if any) of a tribe's governmental authority. »Indian County« is a legal concept which includes »reservations« but also includes a variety of other Native-occupied areas such as »dependent Indian communities«. Competing state, tribal and federal jurisdictions change dramatically at the borders of »Indian Country«. Courts have wrestled with this issue in Alaska, with one state court holding there to be no »Indian Country« in Alaska (Stevens) and other federal decisions leaving the door open to a factual inquiry (e.g. the Venetie tax case).

The issues of tribal and state powers in the Indian country are somewhat complex. Due to a 1950s law, now known as Public Law 280, tribal and state governments share duplicate criminal law enforcement authority in Alaska »Indian country«, (although tribal authority is somewhat limited by the maximum penalties allowed under the Indian Civil Rights Act.) If Lower 48 cases are an accurate guide, in the civil regulatory area state jurisdiction over Native people and lands in Alaska Indian country would be generally prohibited, while much authority over non-Native people and lands in Alaska Indian country would likely be limited to certain circumstances, while tribal jurisdiction over Native people and lands would not. It is for these reasons that the issue of »Indian Country« in Alaska villages is so significant.

The Tyonek Case

On January 13, 1992 the U.S. Court of Appeals for the Ninth Circuit ruled that the Village of Tyonek is Indian Country and that for this reason Tyonek cannot be sued in a federal court over a village ordinance.

Case Background

Tyonek went to federal court in 1982 to enforce two tribal ordinances against two sets of people. One ordinance, No. 65-32, was directed against four tribal member homeowners. The ordinance restricts the use and leasing of tribal members' homes built by the Tribe in the 1960s with money from an oil lease sale. The other ordinance, and older ordinance called No. 4, was directed against four renters of tribal homes. That ordinance prohibits non-member outsiders from staying in the village more than 24 hours without tribal consent.

Before the case was brought to court, the Village had permitted the homeowners to lease their houses to the non-members for one year, and had also permitted the renters to stay in the village for one year. But in part as a result of a dispute with the local school district where two of the renters worked, and for other reasons, Tyonek decided not to renew its permission for the following school year and in advance so advised all concerned. When the homeowners refused to stop renting their homes to the renters and the renters refused to leave, Tyonek sued the homeowners and the renters in federal court. The renters, alone, then countersued the Tribe and its councilmembers.

The Issues in the Case

It is important to understand that, despite news accounts, in over ten years of litigation no court has ever clearly decided whether Tyonek has the power to enforce the Tribe's 24 hour law against the renters (although the federal trail court in 1989 ruled that Tyonek could enforce Ordinance No. 65-32 against the homeowners.) This is because the litigation has consistently been preoccupied with the issue of whether any part of the suit or the countersuit properly belongs in federal court – that is, whether there is »federal court jurisdiction over the suit«.

As a basic rule a federal court has no jurisdiction over a case that does not raise an issue of federal law. If a case only involves resolving a question of state law, or tribal law, the case cannot be heard in a federal court.

Another basic rule is that a federal court has no jurisdiction over a case that is brought against a sovereign whose immunity from suit has not been waived. If a federal suit is brought against a state or a tribe the suit must therefore generally be dismissed. A related rule is stat state and tribal officials are also immune if they are sued for doing something they were authorized to do in their official capacities.

It is these rules of federal court jurisdiction which have so far been at issue in the Tyonek case.

Prior Appellate History of the Case

In 1989 the lower federal court (the »district court«) dismissed the entire lawsuit and the countersuit on jurisdictional grounds, ruling that no part of the suit could be heard in a federal court. On appeal the Ninth Circuit in 1990 agreed except for the one part of the case dealing with the Tribe's lawsuit against the non-member renters; the Ninth Circuit ruled the federal court *could* rule on that part of the case.

When the homeowners and renters all appealed to the U.S. Supreme Court, the Court had already decided an Oklahoma case dealing, in part, with tribal sovereign immunity issues, Oklahoma Tax Commission v. Potawatomi Indian Tribe. Rather than accept the Tyonek appeal the Court sent the case back to the Ninth Circuit and directed it to take a fresh look at the Tyonek case in light of the Court's rulings in Potawatomi. The recent Ninth Circuit decision is in response to that directive.

What the Ninth Circuit Ruled

The new Tyonek decision on federal court jurisdiction can be broken down into several pieces. First, the Ninth Circuit reconfirms its 1990 ruling that a federal court cannot hear Tyonek's case against the homeowners because that case involves the application of a tribal law to tribal members; such a case involves no federal question.

Second, the Ninth Circuit again held, as it did in 1990, that the federal courts can hear Tyonek's case against the renters, reasoning that whether a tribal law applies to non-members of a tribe raises a question of the Tribe's power under federal law.

The Ninth Circuit distinguishes this from the purely international questions of tribal law which are raised when a tribal law is being applied to tribal members. This distinction seems arbitrary, since in either event the issue is whether the Tribe's law is being validly applied, and in either event the nature of a tribe's retained sovereignty raises questions of tribal and federal law. The only convincing explanation for this distinction is that the federal courts view tribal cases against tribal members as »internal disputes« which they simply do not wish to handle.

These two rulings mean that if Tyonek wishes to get a court rule on its power to enforce these ordinances it will have to sue the tribal member homeowners in tribal court and it will have the option of suing in tribal court or remaining in federal court to litigate its claim against the renters.

Again, keep in mind that *so far the Ninth Circuit has not held that Tyonek may legally enforce these ordinances against these people, only that it is proper for a federal court to consider the issue strictly as regards the non-member renters.*

On the federal side, it is certainly possible that if the case continues the federal courts will eventually rule that Tyonek's 24-hour ordinance is illegal and unenforceable, although AFN has been advised that more likely than not the courts will ultimately uphold the ordinance.

The Tribal Sovereign Immunity Issue

Finally, the Ninth Circuit had to again address the renter's countersuit against the Tribe. In 1990 the Court had upheld the district court's ruling that the Tribe was a sovereign entity immune from being sued, and the Ninth Circuit had to reconsider its decision in light of Potawatomi.

It is significant that the Court assumes that Tyonek is a sovereign entity. That issue is never questioned or discussed by the Ninth Circuit, although it was expressly addressed and decided in the lower court by Judge Fitzgerald in 1989. Judge Fitzgerald had viewed one fact alone – Tyonek's organisation under section 16 of the IRA – as requiring a finding that Tyonek is immune from suit. AFN has

been advised that is the law and that the Potawatomi case did not change the law.

But the Ninth Circuit views Potawatomi differently. In its view, if Tyonek is to enjoy the protection of sovereign immunity it must also establish that it is situated in »Indian Country«. It is for this reason that the Ninth Circuit feels compelled to address the Indian Country issue.

As noted in Part One, »Indian Country« means an area of land which is legally treated in the same manner as an Indian reservation, even though it is not called a »reservation«, under the rationale that technicalities over whether an area is called a »reservation« should not deprive a tribe of its jurisdiction if, as a practical matter, the area and its residents are receiving the same treatment as they would if the area was in fact a reservation.

The Court rules the Village of Tyonek is Indian Country and rejects all of the arguments offered against »Indian Country« status as hypertechnical. For instance, on the issue of land status the Court finds it immaterial that village land is owned in fee by the village corporation rather that in trust by the United States as a reservation. All the same, the land is Indian owned. Note that the language of the decision views the land as owned by the Tribe (the »Village«); unless this is a mistake the inference is that a village corporation is essentially formed by, and an arm of the tribe such that the corporation's ownership of land in fee does not diminish the basic »Indian Country« character of the village.

Since the »Indian Country« concept is a flexible one in which, in addition to land status, courts must also look to the relationship between the Tribe and the federal government, the Ninth Circuit briefly notes that Alaska villages continue to benefit from the federal government, the Ninth Circuit briefly notes that Alaska villages continue to benefit from the federal-tribal trust to the extent as Lower 48 tribes, that the federal government continues to enact legislation protective of Alaska villages, and that the government continues to support the Village financially. Taking all these factors together the Court concludes that Tyonek inhabits Indian country and therefore has sovereign immunity from a suit involving events in the Indian Country. The Court quickly disposes of the suit against the tribal councilmembers because they were sued in their official capacities for doing nothing more than voting in a Tribal Council meeting. Thus the renters' countersuit against Tyonek is dismissed for jurisdictional reasons.

Implications of Tyonek

As you can see, in Tyonek the Indian country issue comes up in an indirect way, as part of a sovereign immunity analysis, and not in a discussion over the Tribe's or the State's power to do something in the village. But the fact remains that by ruling Tyonek to be Indian Country – by virtue of (and notwithstanding) the village land's fee ownership by an ANCSA corporation, the continued federal-tribal trust in Alaska, continued general protective federal financial support – the Ninth Circuit has virtually assured that all other villages in Alaska which are inhabited by tribes are Indian country and therefore immune from suit.

One consequence of the Ninth Circuit's erroneous linkage of »sovereign immunity« to »Indian Country« status is that Alaska tribes situated in Non-Indian country areas may not be immune at all from suits. If this is what the Ninth Circuit intended, the result could be devastating for such tribes.

The implications of all this outside of the immunity area, however, are far from clear. While Indian country status, like tribal status, is necessary for the assertion of tribal governmental powers of a territorial nature over lands and people, the analysis of tribal and state powers does not end there. (If it did, the merits of the Tyonek suit against the renters would have been decided by the Ninth Circuit, rather than remanded for further examination.) For instance, as shown in the Supreme Court's Brendale (1989) and Montana (1981) decisions, tribal civil jurisdiction over non-members' potential conduct »Threatens or has some direct affect on the political integrity, the economic security, or the health or welfare of the tribe.« The Tyonek decision therefore does not stand for the proposition that non-members and their lands in villages like Tyonek are subject to full tribal civil jurisdiction to the same extent as tribal members; rather, the extent of tribal jurisdiction in such situations will turn on the particular tribal power involved, the facts at issue, and the nature of the Tribe's interests that are being protected or advanced.

The Future of Tyonek

Tyonek will likely go up on a cert. petition to the U.S. Supreme Court. Whether the Court accepts the case cannot be predicted, although in our view this is unlikely. If it does, it is important to recall that the Department of Justice is on record in favour of Tyonek's sovereign immunity, and last year during the first round of appeals urged the Court not to take the case.

The New »Tentative« Alyeska v.Kluti-Kaah Decision

On January 17, 1992 the Federal District Court in Anchorage tentatively ruled that nothing in the Alaska Native Claims Settlement Act nor any other law closes the door either to the existence of Indian Country in activities in such Indian Country. The 52-page decision was issued in Alyeska v. Kluti Kaah, a case where the pipeline company has challenged the power of the local tribal council to impose a five percent gross receipts tax. After Alyeska Pipeline sued Kluti Kaah nineteen villages have been able to express their views on the merits of the case.

In reaching its tentative rulings the federal district court makes a number of decisions, some favourable to Alaska Native villages, some not. Following are brief highlights of these rulings:

Tribal Status

The Court rejects the preposition that all Alaska Native villages listed in ANCSA are »tribes« in the political sense, and instead would require that any village claiming to be a »tribe« must prove that it is the modern-day successor to an historic tribe. This ruling, if finalized and affirmed on appeal, would mean that as many as 230 trials may eventually be necessary to establish the tribal status of Alaska's Native villages.

In rejecting the preposition that ANCSA-named villages are tribes, the Court:

a) rejects the argument that the Ninth Circuit Court of Appeals ruled differently in Noatak v. Hoffman
b) rejects the argument that ANCSA it-

self constitutes congressional recognition of village tribal status of all ANSCA villages;

c) rejects the argument that various Executive Branch decisions confirming the existence of tribes in Alaska as a general matter mean that Copper Center (or any other village) in particular is a tribe;

d) rejects the argument that congressional actions after ANSCA in other areas (such as the Indian Child Welfare Act) compel the conclusion that a village covered by such a law is a sovereign tribe; and

e) rejects the argument that the Interior Department's 1982 through 1986 lists reflect a deliberate determination that all listed villages are tribes.

On this last point the Court specifically finds that the several older Interior Department lists must be reconciled with the Department's 1988 list, in which for the first time the Department suggested that Alaska Native villages are not necessarily tribes.

Tribal Court jurisdiction. The Court rules that the lawsuit will only be referred to tribal court if the federal court first determines that Copper Center is a tribe and that it is situated in Indian Country. The Tribe had urged the court to apply the »tribal court exhaustion rule« to the issue of Indian Country. This, the Court declined to do.

Taxation outside a reservation. The court rules that, in general, the tribal power to tax is not technically limited to formal »reservations«. Rather, the power extends to other areas which qualify as Indian Country. Such areas are places where the nature of land owner-ship, residency by a tribe, relationship of the tribe and its members with the federal government, and activities by the federal government, in combination lead to the conclusion that for practical purposes the »reservation« label is immaterial.

ANCSA's effect on Indian Country. The court rules that nothing in ANCSA precludes the existence of Indian Country in Alaska, and goes on to hold that the existence of Indian Country does not depend on the tribe actually owning the land in question. The court specifically leaves open the possibility that Indian Country can be found in an area where land is owned by an ANCSA corporation.

Determining Indian Country status. The court rules that whether an area is »Indian Country« is a factual matter which requires a trial in the federal court; it cannot be decided as an abstract legal question.

The pipeline and Indian Country. The court rules that if the Copper Center area crossed by the pipeline turns out to be Indian Country, the pipeline right-of-way will be included as well. The court rejects the notion that the statutory and administrative history of the pipeline corridor precludes it from being in Indian Country.

As noted earlier, the court's decision is only a »tentative« decision. The court explains that its decision was completed just before the recent Ninth Circuit Tyonek decision, and the judge has not tried to factor in that new decision to see if any of his rulings should now be changed. The judge goes on to explain that he will do so once all appeals in the Tyonek case are over, a process which could take many months, and possibly a year or more.

Given that the Ninth Circuit in Tyonek has now ruled that Tyonek is Indian Country, we believe that the same factors, if applied to Copper Center, would lead a court to conclude that it, too, is Indian Country. At the same time, we also believe the Court would continue to view the issue as fact-specific and therefore requiring a trial. For that reason, we view Tyonek as reinforcing the »Indian Country« rulings in the Alyeska case but not changing those rulings. In short, if the Tyonek case is not changed on appeal we believe the »tentative« decision in the Alyeska case will be finalized with little substantive change.

Summary of Recent »Indian Country« Cases

Support for the proposition that many Alaska Native villages constitute Indian Country is available in Tyonek and in Federal Judge von der Heydt's October 9, 1990 Chilkat decision (the artifacts case). Support is also available in the Ninth Circuit Venetie tax case (setting up the Indian Country analysis), its Venetie ICWA case (rejecting all the old contrary Judge Deady rulings) and Judge Holland's new »tentative« Kluti-Kaah opinion. These decisions are not likely to be concurred in by the state court system.

Tribal Status Issues and the »FAP« Regulations

The general issue of tribal status for Alaska Native villages is not directly implicated by the Ninth Circuit's new Tyonek decision, since it only discusses the Village of Tyonek. However, it is so addressed – at least as to section 16 IRA-organized villages (if not traditional councils) – in the Tyonek lower court decision, and more broadly as to all ANCSA Native villages in the Ninth Circuit's 1990 Noatak decision.

Generally, these Ninth Circuit decisions support the proposition that Alaska villages are tribes, and that Congress and Interior have long recognized them as such. In the proposed new Federal Acknowledgement Process (FAP) regulations, however, the Secretary of the Interior has suggested, as in his 1988 «tribal« list, that unless the Secretary rescinds his ambiguous 188 list (leaving in place the 1986 list until such time as a newer, more updated list is issued), arguments will persist over the tribal status issue. Comments on the FAP regulations and a petition to repeal the 1988 list have been submitted to the Department.

The outlines of these developments may finally decide whether or not Alaska Native villages will require 230 trials or FAP petitions to prove their tribal status. In testing the »tribal-status-as-a-matter-of-law« issue one must confront the Venetie ICWA case, where the Ninth Circuit indicated an Alaska village is only a tribe in the political sense if it is the modern-day successor to an historic tribe. What is missing in the Venetie decision is any discussion of the arguments (addressed in AFN'a brief in the Noatak case) supporting the proposition that all of the modern-day Native villages listed in ANCSA are recognized as tribes. That is, the Venetie decision suggests, but does not definitively state, that for each tribe a factual inquiry must be made linking the modern village to an historic sovereign tribe. Many authorities support the counter proposition that a factual inquiry is not needed because Alaska tribes have already been recognized by Congress and Interior and such recognition is absolutely binding on the courts. By not actually rejecting these arguments the Ninth Circuit in the Venetie case theoretically has left open the argument that all Alaska villages are tribes as a matter of law.

Judge Holland's recent tentative ruling in the Kluti-Kaah case disagrees with this assessment of Venetie and specifically rejects the preposition that any prior congressional or Interior Department action has recognized the tribal status of all Alaska Native villages. Judge Holland rejects one of the best arguments in favour of prior recognition – the several 1982-1986 lists issued by the Interior Dept. – on the ground that the preamble and explanation in the last (1988) list reveals that the Interior Dept. never intended to use those earlier lists to specifically recognize any particular villages as being tribes. This is the first example of how the empreamble language in the 1988 tribal list can be used to call into question the tribal status of Alaska villages, and force them into 230 lawsuits to prove their tribal status.

To some extent this view of the 1988 list conflicts with a number of very recent authorities on this point, including President Bush's 1991 Indian Policy and the 1991 Commission of Indian Affairs' BIA booklet specifically describing Alaska villages as being political tribes. All these authorities are reviewed in the petition to repeal the 1988 list.

Anticipated Interior Dept. Legal Opinion on Status & Power of Alaska Tribes

The solicitor for the Interior Dept. is preparing some sort of comprehensive review of the powers of Alaska Native villages particularly over land areas and non-members. Secretary Lujan in October 1991 committed to consult with AFN in preparing this opinion.

One can argue that the federal courts have now spoken, and it is therefore no longer necessary (if it ever was) for the Interior Dept. to spend its efforts trying to sort through issues which have already been sorted by the courts. One can also argue that the specific issue of village tribal status is no longer an open issue, sighting the Noatak case as an example. Finally, in the Venetie tax and Chilkat artifact cases, and now the Tyonek and Kluti-Kaah cases, the federal courts have held that general »Indian Country« law applies with equal force in Alaska as it does elsewhere.

It has been widely suggested that the State of Alaska has overreacted to the Tyonek decision by reading more into it than is really there; if so, a legal opinion from the Interior Dept. is far more likely to be explosive and further polarize all concerned. This is not in the interests of the Department of Interior, the State of Alaska or Native villages.

Source: AFN Newsletter. March 1992. ❑

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No. 2: Peter Elsass, director and anthropologist – Earth is our Mother: Arhuaco in Colombia and Bari in Venezuela (50 min. Denmark, 1987).

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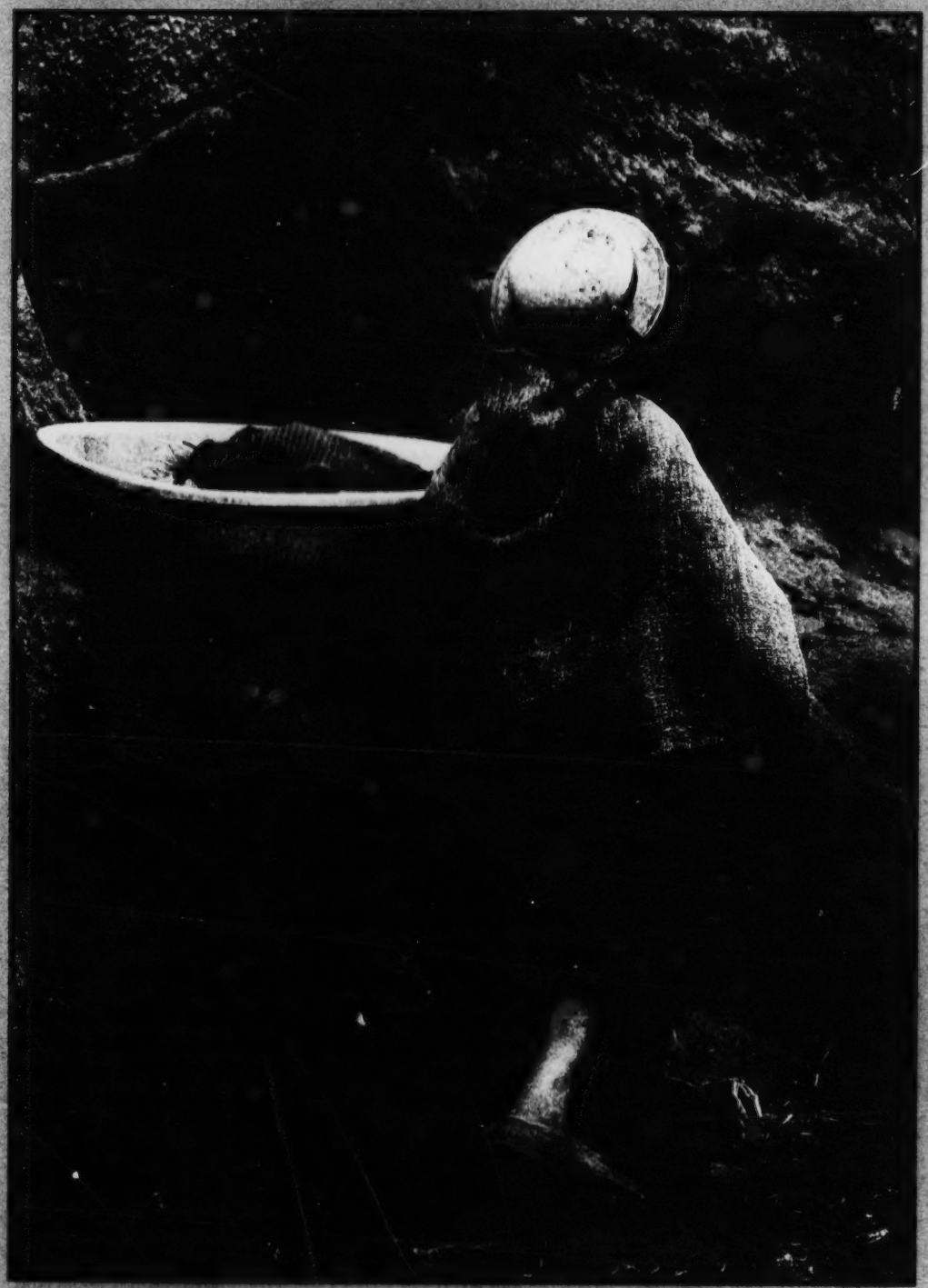

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Editorial

After 500 years of European presence in America, the indigenous peoples of the continent are still, in the words of Eduardo Galeano ». . . victims of the biggest plundering in history are still suffering from confiscation of the remnants of their lands, and they are still denied the acceptance of their different identity. As far as they are concerned, the Conquest continues«.

Because of these five centuries of conquest, we are dedicating this Newsletter to the indigenous people of the American continent.

In this context, an inescapable subject is the socioenvironmental question of the Brazilian Amazon and the indigenous contribution to the conservation of the environment. Even though the Indians are a minority in Brazil, they are at the centre of the environmental question of the Amazon. The article which we are publishing here confirms that the economic forces which are threatening the indigenous population are related to those which are destroying the forest and inducing poverty among half the Brazilian population. However, the Indians are experts as regards the biodiversity of the forest and they have the capability of undertaking productive activities without destroying the forest.

A clear example of the grave situation in which the indigenous population of the Amazon region find themselves, is the case of the indigenous area of Sararé where the *Nambiquara* Indians are still suffering from the consequences of the invasion of their lands by gold-diggers.

Meanwhile, in Geneva, the 10th meeting of the United Nations Working Group on Indigenous Populations was held. IWGIA interviewed five indigenous representatives for the *Mohawks* (Canada), the *Blackfoot* (USA), the *Triqui*s (Mexico), the *Quiches* (Guatemala) and the *Amarakaeri* (Peru) about the 500 years of indigenous resistance, their identity and their future.

We are also publishing a selection of photographer Sebastião Salgado´s work, called the »Other Americas« on the subject of the indigenous Latin Americans.

In Ecuador the indigenous organisations´ resistance to the plundering of their lands and pollution of the environment continues. This was demonstrated by a march in April when thousands of Indians from the jungle marched on the capital of the country to protest their situation.

As far as Uruguay is concerned, it exterminated its indigenous population at the beginning of this century, thus the country has prided itself on being free of the »indigenous problem«. However, at the beginning of the 70's, some *Guarani-Mbyá* families from Paraguay settled in Uruguay. This new indigenous presence drew attention to a problem which the Uruguayans had been unaware of.

In Guatemala, thousands of indigenous *Mayans* were forced to leave their lands and seek refuge in Florida, United States, on account of the violence in the Central American region. During the 10 years in which the Mayans have settled into the community in Indiatown, this has adapted to them just as the immigrants have changed various aspects of their customs in order to adapt to their new society. Whilst Allan Burns analyses here the changes in the identity and organisation of the Mayan refugees in Florida, Jose Camposeco follows the tragedy of the Mayan exile in the story of the Indian, Pilín Shapín.

Finally, and going beyond the Spanish Conquest, Tim Cloudsley presents a survey on the myths in the Amazon region and the Andes. The origins of the identities of the American indigenous population date back to prehispanic history. The cultural history dealt with in this article shows the fundamental interrelationship between the coast, the Andes and the jungle despite the mutual isolation which prevails today.

Alejandro Parellada ❑

Cover: *San Juan – Chimborazo. Ecuador. Photo: Sebastião Salgado*

»Othercide«

By Eduardo Galeano

Archbishop Desmond Tutu's words refer to Africa, but they also apply to America. He said *»When they came, they had the Bible and we had the land. They told us to close our eyes and pray. And when we opened our eyes again, they had the land and we had the Bible.«*

The American Indians, victims of the biggest plundering in history are still suffering from the confiscation of the remnants of their lands, and they are still denied the acceptance of their different identity. As far as they are concerned, the Conquest continues. They are still denied the right to live in their own manner and way, they are still denied the right to be. At the beginning, robbery and murder was carried out in the name of God in Heaven. Now they are carried out in the name of the God of Progress.

As always, racism qualifies colonial plundering as an act of justice. The colonized man is sub-human, capable of superstition, but incapable of religion, capable of folklore, but incapable of culture, capable of craftsmanship, but incapable of art; the sub-human deserves sub-human treatment, and his low value corresponds to the low price of the fruits of his labour. Racism legitimises the colonial and neocolonial robbery which has taken place down the centuries and the different levels of its successive humiliations. Latin America treats its Indians in the same manner as the big powers treat Latin America.

In 1537, the Church admitted that the Indians were endowed with a soul and reason, but it blessed crime and robbery: after all the Indians were subhumans possessed by the Devil, and as such had no rights.

The conquistadors were the right hand of God wiping out idolatry, and the Indians continually gave proof of their inferiority and baseness and undoubtable motives for condemnation:

If the Indians of the Caribbean islands commit mass suicide and refuse a life as chattel slaves, it is because they're idlers and loafers.

If they go naked, showing they bodies, it is because savages know not shame.

If they are ignorant of the right of property and share everything and lack the lust for wealth, it is because they are more ape than man.

If they wash with suspicious frequency, it is because they are like the heretics of the Mohammed sect who rightly burn in the fires of the Inquisition.

If they never beat their children and allow them to do as they please, it is because they are incapable of teaching or punishing.

If they believe in dreams and are guided by voices, it is because they are influenced by Satan or because they are completely stupid.

If they eat when they are hungry and not when it is meal time, it is because they are incapable of controlling their instincts.

If they make love whenever they want to, it is because the devil misleads them into repeating original sin.

If homosexuality is accepted and virginity is of no importance, it is because they live on the threshold of hell.

From the start, it was a record of mistakes. Christopher Columbus thought that Haiti was Japan and that Cuba was China and he thought that the inhabitants of China and Japan were Indians from India.

When it became known that Columbus had reached a land which Europe did not know of, this accidental gift was called the »Discovery« just as if Spain had been discovered by the Roman legions which invaded it 218 years before Christ.

Scarcely 4 years after the so-called »Discovery«, Columbus's brother, Bartolomé Columbus commenced the burning of Haiti. Six Indians, guilty of sacrilege, were burned at the pyre. The Indians had committed sacrilege because they had buried picture of Jesus Christ and the Virgin Mary. They buried these new gods to make the maize seed more fruitful, and they had not the least idea of sin or guilt.

Since then, the Indians have been condemned and are condemned for the simple crime of existing. On October 12th, 1492, Christopher Colombus wrote in his diary that he wanted to bring some Indians to Spain so that they could »learn to talk«.

Five centuries later, on October 12th, 1989, in a court of justice in the USA, a Mixteca Indian was declared mentally retarded because he did not speak correct Spanish. Ladislado Pastrana, from Oaxaca in Mexico, an illegal farm labourer in California was to be locked away for life in a public asylum. Pastrana did not understand the Spanish interpreter and the psychologist diagnosed definite intellectual deficiency. Finally, anthropologists explained the situation: Pastrana spoke his own language, Mixteca, perfectly. Mixteca is the language spoken by Indians who are the inheritants of a high culture more than two thousand years old.

The Indians in America live as exiles in their own land. Language is not a mark of identity, but a curse. It does not distinguish them, it denounces them. When an Indian renounces his language, he starts to become civilized. Does he start to become civilized or is he cutting his own throat?

Let´s take Guatemala as an example: Guatemala despises its Indians, Guatemala despises itself. Of every 10 Guatemalans, 6 are Indians, but in Guatemala the word »indian« is an insult. The native languages are mere guttural noises, and the native religion pure idolatry, because to the Indians the earth is their church, the woods and forests their shrines. A few years ago the largest deposit of petroleum in Central America was discovered in Guatemala. As a consequence, there was slaughter during the 1980s. The army admits today with utter impunity that it wiped 440 villages from the map between 1981 and 1983. The conquistadors no longer wear armour, they wear uniforms from the war in Vietnam. Nor are they white, they are mestizos ashamed of their own blood, or Indians enlisted to the forces and forced to commit crimes which are destroying their own race. Repression is a cruel ceremony of exorcism. One need look no further than to the photos, the faces of the officials and the big leaders: these grandchildren of Indians, deserters to their culture dream of being George Custer or Buffalo Bill in their desire to

»Othercide« by Hermenegíldo Sabát

convert Guatemala into a huge supermarket. Racism grants immunity to crime, because an inferior race, which is condemned to vice and idleness, and which is incapable of order and progress merits aversions.

One thousand two hundred years before European mathematics, this inferior race had discovered the digit zero. It knew the age of the universe with astonishing precision a thousand years before the astronomers of our age. To this day, the Mayas are still travellers in time.

To the Indian a man on the road of life is part of Time.

And Time, the founder of space is sacred to them, as is sacred its daughter, the earth, and its son, the human being: like the earth, like the people, time cannot be bought or sold. But civilization is still doing everything in its power to make them see their mistake.

And what is civilization? History changes according to the voice which tells it – in America, in Europe, or wherever. What the Romans considered invasion by barbarians was to the Germans mere emigration to the south.

Up until now the history of America has not been told by the voice of the Indians. On the eve of the Spanish conquest, a Mayan prophet, who was the mouth of the gods announced: Because of greed, the head, hands, and feet of the world will be cut off. When the mouth is cut off, what will it say? What will the other voice say, the one that is never listened to?

The quincentenary of the Discovery is approaching and it is high time that America discovered itself. (When I say America, I am not only referring to the north, but also to the America which has been plundered of everything, even its name throughout the past five hundred years of service to alien progress).

This necessary discovery, the revelation of the face hidden under the mask includes the recovery of some of our most ancient traditions.

I am not one of those people who believe in traditions because they are traditions; I believe in the heritages which multiply human liberty and not in those which restrict it. It seems obvious, but it can never be explained too often; when I speak of distant voices from the past which help us find answers to the challenges of the present day, I am not proposing the restoration of the rites of sacrificising human hearts to the gods, nor am I praising the despotism of the Inca or Aztec kings. On the other hand, I am saying that America can find its regenerative power in its most ancient sources. The past says things which are relevant to the future.

Because of hope and not because of nostalgia, it is necessary to restore the communal means of production and way of life, founded on solidarity and not greed, and the relationship of identity between man and nature and the old customs of freedom. I do not believe that there is a better way to pay homage to the Indians than by the fact the from the Arctic to Tierra del Fuego they have continued to live on, despite successive campaigns of extermination and they have kept their identity and message alive. Despite being the main victims of the past 500 years of colonization, they still hold the fundamental keys of memory and prophecy to all of America, and not just to Latin America.

This is the dark threat which the Indians radiate, obstinately alive despite centuries of destruction and contempt.

These are the ghosts which exorcise its executioners. This is the fear which racism denounces; the fear, testimony of a different America which is possible and which does not repeat history but continues it.

Memory of the days gone, memory of the days to come. Memory is a port of departure for the traveller who wants wind in his sails. ❑

Book Received

Columbus His Enterprise

by Hans Koning

A bitter controversial exposé of the reality behind the Columbus myth. For Koning, Columbus is not the hero-mariner of the school books, but a man with an obsession, whose fanaticism and cruelty foreshadow that of the conquest he spearheaded.

In a clear and readable style, Koning explains the state of Europe at the end of the 15th century, and how it was that the son of an Italian weaver managed to persuade the Spanish royal family to back his search for a westward route to the »Indies«. The four voyages are each described and the devastating effects of the »discovery« on the native peoples of the continent recounted in horrific detail.

USA: Monthly Review Press
UK: Latin America Bureau

The joint responsibility of the international community in the indigenous and environmental issues of the Brazilian Amazon

By Mauro Leonel, Betty Mindlin and Carmen Junqueira.

This study summarises some of the ideas of the investigators from IAMA – »The Institute of Anthropology and the Environment«, on the relationship between environmental deterioration, destruction of the tropical forests, dependency on abroad, the export model and the progress of the economic frontier. It aims to raise some socioenvironmental issues, taking the Brazilian Amazon as an example, and the present state of the law and the contribution of the indigenous minority to the communal effort to save the earth. The objective is to put together a few topics, which crop up frequently, if somewhat erratically, in this prominent year for dialogue with the many opinions and proposals, which although consensual do contribute in increasing the enthusiastic efficiency which the preservation of biodiversity awakens today. In order to lead a joint effort for a better quality of life on earth, one of the ways is to verify that the deterioration of the environment goes hand in hand with the deterioration in culture and the relationships which people have with each other.

1. Introduction: The International Responsibility

There is a clear relationship between poverty and environmental destruction, oppression of the ethnic minorities and economic dependency, especially in the third world countries. The prime example can be found in the uneven economic relationships between the rich and the poor countries, and in the legacy of colonialism. We should also consider the relationships within these countries themselves.

The third world countries' foreign debt was estimated to be one trillion, two hundred billion dollars. The so called foreign aid to the third world, about 40.3 billion dollars,(1) is less than the interests and repayments on the debt that the poor countries pay to the rich.(2) In other words, each year foreign aid is less than the resources transferred to the rich countries, which determine the sum of interests to be paid.

It is true to say that the attitude differs amongst the rich countries, for example, countries like Norway, Holland, Denmark, Sweden and France spend proportionally more on foreign aid than the United States, Japan, Switzerland, Austria, England and Germany, despite the fact that the last group are the third world's largest creditors. Some of them hardly even favour their own ex colonies, or just finance infrastructure works to facilitate the imports they need. (3)

The unequal base on which international exchange and technological domination exists is at the root of this dependency which is strangling the third world. The poor countries are obliged to compete on the industrialised world's markets as the only option to accumulate stable currencies in order to pay such heavy debts. They are faced with two adverse factors: the high levels of protection afforded to the developed markets and the low prices at which their products are priced, generally raw materials, non-renewable natural resources, usually with little additional value.

These are very old theories seen from one angle of the political economy, but the situation doesn't appear to have changed. On the contrary, the seven countries (The United States, England, Canada, Japan, Germany, France and the USSR) have come to dominate 70% of the world's revenue over the last 20 years. The disparity between the income of some countries and the debt and dependency of others is such that, if one dollar of each 1,000 dollars of the Stock Exchange transactions in Tokyo, London and New York were withdrawn, the third world debt would be paid in one year. The difference between the rich and the poor countries was 2:1 in the 18th century, today it is 100:1.

On the other hand, beginning with the competition for the developed markets, an increase in arms expenditure in these already poverty stricken countries was es-

tablished. The developed countries spend 860 billion dollars a year on arms. The developing countries spend 170 billion, 38 billion of which are bought from the rich countries. (4) World disarmament, if it stopped being speculation and became a condition of an efficient political programme, redirected towards sustainable development, would free the poor countries from the burden of foreign debt in a short time, and would free mankind from an enormous waste.

2. National Responsibility

The responsibility for poverty and environmental destruction has two interrelated faces. This can be explained by looking at the way the elite of the third world stimulate an excessive concentration of wealth in their own favour, to the detriment of the majority of the population, causing unequal international exchanges.

The Brazilian government has been the one who emphasises the sovereignty issue in the international forums, always when environmental matters are raised as a perspective of global responsibility, a common future and planetary effort. An argument with various nuances, which claims the right to cause devastation in the name of development. It emphasises that the rich countries are by far the greatest polluters, a fact that is actually true. Meanwhile, its endocolonial way of development, especially when the opening of new economic frontiers such as the Amazon are concerned, is also a replica of the unequal exchange of relations which they maintain with the countries of the central economies of the northern hemisphere.

Frequently, the government's proposed alternatives for progress, and to pay the foreign debt of U$ 110 billion, imply a high level of environmental destruction. In the case of the Amazon, the government and the elite claim that timber, mining and hydroelectric resources are necessary in order to be able to reach the same standards as the industrialised world. The growing number of declarations of environmental awareness, or the defence of the rights of the minorities are interpreted as a camouflaged attempt at internationalising the Amazon, of foreign interference in the Brazilian geopolitical arena.

The expression of this interpretation of the government and the elite is becoming Brazilian diplomacy's resistance to the care of the international institutions for environmental control, in Stockholm since 1972, during the first international conference held on the environment and the planet.

In the case of Brazil, one must not forget the illegal, antidemocratic nature of the foreign debt contracted by the military governments, to the advantage of the large companies which favoured a small minority, intermediating the interests of the rich countries. One cannot forget that these authoritarian Brazilian governments counted on the recognition and the interested economic support of the developed countries. The Brazilian government ran up debts with foreign countries by carrying out large economic projects which they justified by the purpose of exporting raw materials to the industrialised world, or at best exporting industrialised products manufactured with high energy wastage, little technology and at a high cost to the environment.

All the large projects, which today make up the total of the Brazilian foreign debt, are a combination of the export model, foreign dependency, environmental devastation, increase in poverty and oppression of the indigenous minority. For example:

1. Mineral poles, such as iron and aluminium in the case of Carajas (U$ 1,8 billion/EEC/Japan/World Bank), which involved the building of a railway for mining transport:
2. Large hydroelectric dams, like Tucurui (U$ 16 billion), to produce energy for aluminium export; Itaipu (U$ 23 billion); Balbina and Samuel (France/Brazil).
3. Angra dos Reis (U$ 15 billion), Brazilian-German nuclear programme.
4. Roads like the Transamazon (U$ 450 million – IDB); Polonoroeste, with the asphalting of Cuiabá-Porto Velho (U$ 1,5 billion, 450 million – The World Bank), for paving the roads, opening managerial occupation of the central-east, exporting wood and minerals like cassiterite and gold, at present the asphalting of the Port Velho-Rio Branco (U$ 160 million – IDB), and the planned asphalting as far as the Pacific Ocean, without preliminary steps.

All these large projects were undertaken without any democratic involvement of the people, the decisions were taken by the governments of the military dictatorship. The non industrialised export market of non-renewable resources made demands for communications systems, energy and asphalted roads. There were a few companies that made a profit, such as the oligopolio of the public works constructors, some large sister companies in Brazil – like Camargo Correia, Andrade Gutierrez, Odebrecht, Mendes Junior, Paranapanema and others, in charge of the construction and paving of the roads, hydroelectric dams, mining plants, all with a decisively great influence on the governments plans and decisions.

Therefore, there was never a democratic discussion on the suitability, or not, of these large projects, on how they should be developed, on the need to broaden the internal market instead of the export market, and introducing, as a matter of immediate priority, the elimination of Brazilian social and economic inequalities. What the Brazilian elite imposes on society as a matter of course, has been a model which, despite years of industrial growth, has an in-built component for pillaging natural resources, spreading poverty and unemployment, particularly in the border areas and part of the Amazon, where millions of migrants were forced to search unsuccessfully for a better life.

Given the fragility of Brazilian institutions and civil society, the lack of social regulating bodies, on the other hand, promotes a tendency towards poverty and environmental destruction. We are a country where 10% of the population earns 46% of the national revenue, that is one of the highest rates of inequality in the world today. The concentration of revenue has hardly increased over the last few years, and the schooling levels are inferior to those in Paraguay and Colombia, countries with a lower level of industrial production. This is a curious society, where high levels of industrial production co-exist with the lowest levels of poverty in the contemporary world, in an economic variation of apartheid.

On the other hand, some attitudes in the Northern hemisphere, seem to be trying to disassociate themselves from any responsibility with regards to past accumulation, which caused and is still causing significant damage to the environment and the indigenous minority of the Amazon. As if it were only incumbent on the government

and Brazilian society to repair and control the damage caused by prospecting, which generates resources that are eventually syphoned abroad. A good example is »garimpo« (gold-digging), which generated U$ 10 billion from the Brazilian Amazon over the last decade, according to a World Bank study. Very little of that money stayed here, and in very few hands. It is difficult to hope that it can be replaced and prevented, especially when the very actions which cause the damage are frequently influenced by non residential interests.

3. Poverty and Environmental Deterioration

Environmental destruction and poverty are two faces of the same coin. Land structure was concentrated by stimulation of a fiscal policy which favoured enterprises and the monopolising of uncultivated lands and others, as if there were no original inhabitants living there with old traditional occupations. The 527 land occupation projects with fiscal incentives for cattle breeding in the Amazon (U$ 1 billion, 1975-1985) resulted in 8 million hectares of land being deforested and sparked the exodus of millions of nameless ancient occupants.

The fiscal incentives of the Amazon is only just one of the examples of policies which favoured the large enterprises, to the detriment of social policies. The unemployment and poverty figures confirm this: 12 million workers without land, almost 7,5 million families as an objective of rural settlement in 1985, constituting an estimated contingent of 30 million poverty stricken people amongst those without land and their dependents.(5)

This concentration of landholders, initiated in the southeast of the country,to the north of Paraná with cattle and soya, spreading towards the east of Sao Pablo with citric fruits, sugar cane and cattle, in the direction of Mato Grosso, taking with it a mass of landless poor people. The monoculture of export turned around the excellent agricultural activity, degrading the earth and increasing rural poverty.

There is no doubt that the concentration of lands provided for the desperate people who make up the mass of 1 million gold diggers, and the other 3 million poor people who depend on them. They are a nomadic people who earn nothing from the gold digging, which causes the most serious long term damage along the Amazon rivers. The lack of lands, and the concentrated industrial activity is responsible for the 1,5 million unemployed in a megalopolis like Sao Pablo, with 20 million inhabitants. The excessive concentration of lands also gave rise to the uncontrolled colonisation in the direction of the infertile land of the Amazon, resulting in hundreds of thousands of colonists being infected with malaria and culminated in creating new suburbs around the old cities of the Amazon. These new cities are the fastest growing in the world, as in the case of Rondonia, where two thirds of the population are living in the poverty stricken and unhealthy suburbs of the city, in spite of government policies which aim to stimulate the opposite, that is agricultural and not urban colonisation. It is true that these contingents are passing on, causing devastation in the service of others, suffering from malaria and are currently heading for Acre and Roraima.

The Amazon is repeating the endocolonial occupation of the southeast of the country. It is estimated today that the population numbers 14 million, with the greatest majority living in the cities, more than 60%. In Manaos, for example, with 1 million inhabitants, only 4% of the city is served by sewer networks, and is threatened with a cholera epidemic, as in Belem.

4. Forests and Deforestation

Given the high diversity of the species of flora and fauna, the destruction of tropical forests, the most important centres of biodiversity, is one of the aspects of the economic model of environmental destruction, that is, exporter of primary materials to the rich countries.

It is estimated that 7% of the earth's surface is covered by tropical forests.(6) A large number of these, perhaps half, are in the Amazon.

The Brazilian Amazon represents 60% of Brazilian territory, and 60% of the Amazon, which also covers land areas in other countries, is in Brazil.

Fearnside estimates that an area the size of Belgium is deforested in Brazil every year, a football pitch every second. The rate of deforestation went from 3,6% in 1978 to 9,6% in 1990.(7) Unless important public policy measures are taken, the earth's most important tropical forest could find itself in danger in the next millennium, unless the economic crisis has involuntarily contributed to the temporary slowing down in the pace of deforestation.

The loss of biodiversity caused by destruction is inestimable. Ten hectares of the Amazon jungle house 700 species of economically viable trees, the same as in the whole of the USA. These same 10 hectares are home to 100,000 different species of flora and fauna. Even in the Rio Negro, a river poor in nutrients, tributary of the Amazon, there are 700 species of fish, four times more than in the rivers of Europe. Three species of fish are made extinct every day because of environmental damage. It is estimated that the whole of the Amazon Basin is home to 100,000 types of animals and plants, including 2,500 types of trees, 1,800 types of birds and more than 2,000 types of fish. It is estimated that the world loses 17,000 species a year, the majority of them from the tropical forests.

In 1988 Brazil exported more than 60 million cubic metres of wood, 14% to Japan, 40% to Europe. The timber dealers say that, because of selective felling, they are hardly even removing a minute part of the jungle. But, they destroy 40% of the jungle's vegetation in the process of felling a tree, and the tractors ruin the water courseways where they pass through. Of the 700 commercially viable species, less than a dozen are used, the most internationally renown (8), like mahogany, a hundred year old tree. The process of environmental destruction also generates misery and poverty as the timber dealers put their labourers to work like slaves, when the price of mahogany is negotiated in the harbours at US$ 600 a cubic metre, sometimes reaching prices as high as US$ 1,300 on the international market. The eradication in the forest is also a cause of misery and poverty because it destroys fish, the main protean source in the Amazon, and it forces out, as does agriculture, the river and rubber collecting communities, who are the old traditional inhabitants.

5. The Indians, Environmental Conservation and Poverty

How do we draw the attention of the international community, the state and the Brazilian government to a contingent of 300,000 surviving indigenous Indians, when faced with that army of millions of poverty stricken people living in rural areas and in the suburbs of Brazilian cities?

In the first place, it has to be said that

The loss of biodiversity caused by destruction is inestimable. Ten hectares of the Amazon jungle are home to 100,000 different species of flora and fauna. Photo: Carlos Ruggi.

these 300,000 Indians should not be confused with the millions of poverty stricken Brazilians, basically because of their different culture, language and customs, and politically because it is a question of different peoples with a right to a clearly defined territory, a thousand year old right, existing prior to the colonial occupation of the Americas.

On the other hand, the topicality of the environmental issue gives us the opportunity to draw attention to the primary condition of their right to the land, over and above any other right. That is to say, they were the original occupants, prior to any ownership, either of the poor people or the rich people of the Brazilian land. In this way, the Indians are not just another element in social politics and agrarian reform, they are holders of rights which were in existence prior to any public policies, they are creditors of a colonial social debt.

Therefore, the first step in jungle conservation policy is the definition of the land areas to which they have a right, and the way in which Brazilian society will guarantee them their rights and special autonomous obligations within their territories. It is not their capacity as poor people that obliges national public politics and the international cooperation to give them priority, but their capacity as different peoples and holders of rights.

In the case of the Indians, there is the problem of strengthening democratic principles, if they do not respect the rights of a minority to their social and cultural differences, and to the land which they originally owned, there is no pluralism, no dream of greater equality or balance.

It is precisely the Indians who have the greatest knowledge of the biodiversity of the forest, and it is they who could, with the help of adequate policies, work productively without causing any devastation. In truth it is they who live in the heart of the jungle, apart from the rubber collectors community – who learned from them and mingled together with them – and they live of its resources. The rubber collectors and riverside dwellers have been there for decades, the Indians for thousands of years. Besides, in many municipalities of the Amazon, for example, they represent the

majority of the rural population, excepting the times when there is an influx of gold diggers. The gold diggers are there when there is gold, the colonials are there until they have drained the land, which becomes infertile with the destruction of vegetation and the natural nutrients of the jungle. In the long run, the Indians are the permanent inhabitants and the main guarantee for conservation, by correctly using and working the great expanses of the forest, if they were guaranteed an economic and cultural survival, and economic openings for their special products.

Although they are a minority in Brazil, 0.2% of the 150 million Brazilians, the Indians are in the centre of the environmental issue of the Amazon and Brazil, and the economic interests which are threatening them are similar to those which destroy the forest and reduce more than half of the Brazilian population to poverty.

Small as it is, the indigenous Brazilian population is spread over about 500 different areas, the great majority being in the Amazon and in the south of Mato Grosso. They represent a broad and complex cultural universe, with more than 170 languages, different ways of life, music, art, social organisation and knowledge in all different fields, like flora and fauna, human values, interior rhythm and tempo and cosmic adventures. Their interaction with natural resources insured mankind of a continuation of knowledge of a wide spectre of biological species and ecosystems – part of the indigenous cultural wealth called ethnoscience today, maybe an inadequate expression for such a wide range of knowledge built up slowly by tradition, and which is renewed in the rhythm of the community dynamics. This knowledge will disappear along with them, should they be driven to extinction, should mankind not recognise the privilege of having them as contemporaries, showing that it is possible to live in a different way, more beneficial to the surroundings, perhaps not mastering certain types of technology, but certainly with a better quality of life.

According to the current Brazilian Constitution of 1988, the Indians have the right to 9% of Brazilian territory, 79 million hectares (9) 98% of which are in the Amazon, which would be equivalent to an area a little less than 30 times the size of Holland. This theoretical right, theoretical because out of the national total scarcely 13% of the lands promised to the Indians (about 1% of the national territory) is legally secured (with demarcation lines, legal guarantees such as decrees, registration in the archives for public knowledge). Even these legally secured areas are invaded many times and not respected. Therefore, the Indians land situation is uncertain and worrying.

The ecological reserves, forests and natural parks account for 2% of the Amazon territory. The Indians claim about 20% of the Amazon, and the riverside and rubber collecting communities another 20%. It is easy to conclude that a conservation policy on an adequate scale for the tropical forests of the Amazon considers the viability of sustainable use of the forest by these peoples.

Numerous young indigenous leaders have been induced by their white neighbours into the indiscriminate selling of wood and gold digging, as a viable way into the market, to obtain those goods that such a contact has made necessary, from medical care to superfluous consumer goods. The value of the products taken from the forest, such as medicinal plants, Pará chestnuts, mock orange, fruits, honey, fish etc will scarcely allow sustainable and appropriate use, guaranteeing the reproduction of renewable resources, representing a concrete and compensatory alternative for the plundering activities which are apparently lucrative, such as the indiscriminate sale of noble woods and mineral mining – especially for gold.

The suitable usage created by the indigenous way of life over thousands of years is an alternative to the predatory behaviour of the expanding economic front. The Indians possess the knowledge of the technique of replanting in the interior of the jungle, a technique unknown by our society. One group, for example, knows more than 130 varieties of manioc. Their traditional vegetable orchards grow a minimum of 70 species, growing in harmony with the forest, making the monoculture introduced by the agricultural front seem relatively ridiculous and uneconomical. It is a fact that the Amerinds are agricultural pioneers, making an inestimable contemporary contribution: potatoes, corn, fruits, manioca, peanuts, Pará chestnuts, vegetable oils, etc...

The Indians have an intimate knowledge of the uses of thousands of species found in the jungle, which could become economically valuable, like anticoagulants, slimming cures, fungi with various uses, thus making an invaluable contribution to biotechnology and the pharmaceutical industry, provided that they are assured intellectual proprietorship.

6. The Legal Situation and Lands

In terms of legislation, the Indians still have strong, if abstract, tools for defence. There was a victory in the 1988 Constitution which reconfirmed the rights of the Indians to the land which they lived on, and it established a term of 5 years in which the demarcation of indigenous territories should be finished, depending on regulation laws which were to be voted on in order to come into effect. In 1973, the government also promised to demarcate their lands within 5 years: 14 years ago this term expired, and the empty promise was repeated, without providing a budget which was compatible with the proposal.

On the part of the government, there is a threat to remove the trusteeship, a figure from the Brazilian civil code which assures protection rights particular to the Indians. In itself this measure could be a step forward for autonomy, but there would scarcely be other ways of defending their rights to the land, beyond the precaution of special protection for other particular rights. On the contrary, there is a danger of »emancipation«, a concept which is constantly brought up, and under the pretext of comparing the Indians to the other citizens, to do away with a special juridical protection which is indispensable when faced with the wild Brazilian endocolonialism, the cultural and linguistic differences, and the lack of knowledge with regard to commerce and the other rules invented by our society. (10)

A multitude of presidential decrees were to hinder the Constitution, opening up the possibility of revising the land demarcations (decree 20 of 04/02/91). The same is happening with a proposal of the Indian statute which was presented to the government in July 1991. Authoritarianism makes it difficult to discuss matters which are important in the progress of Indian rights, besides, defenders of the indigenous cause are afraid that with votes and changes, rights that have already been won are being lost. One example is the question of inalienable ownership of the land, the Indians hardly have possession and usufruct, and the lands belong to the Union.

Meanwhile, in this way, the law insures rights to future generations.

The classic omission of FUNAI (National Indian Foundation) and the Brazilian government, is disappointing for the Indian cause. Despite an indigenous Indian being nominated a FUNAI official, for the Presidency of the institute in July 1991, taking positive measures such as regards the prohibition from entering Yanomami territory, a preliminary step to demarcation. There are still authoritarian obstructions, such as the possibility (unconstitutional) of revising the demarcation, with special powers for the Justice Minister. There have been practically no indigenous land demarcations since 1987.

Military interference in indigenous and environmental issues are complicating adherence to the Constitution. The National Security Council, whose secretariat is today called The Secretariat of Advice for National Defence, (SADEN), has proclaimed itself against the majority of the demarcations in border areas, under the pretext that they are extended areas rich in minerals. The indigenous issue is viewed as border security. They are confusing the need for autonomy in their village territories in the jungle, organised into small groups of hunters and collectors, with the peoples who are systematically fighting for the creation of national states, as is the case with the Basque and the Irish people in Europe. Meanwhile, the Brazilian indigenous movement has never presented itself as a separatist movement, on the contrary, it is claiming adequate ways to achieve democratic articulation with society and the Brazilian institutions, whilst guaranteeing their rights to cultural differences.

The protection of the indigenous interests attributed to the military has provoked Brazilian society on many occasions. For decades they controlled the indigenous policies and FUNAI. For example, when PMACI (Programme for the Protection of the Environment and the Indigenous Communities) began in 1988, a loan from IDB for US$ 146,7 million for paving the Porto Velho-Rio Branco road included a component of US$ 9 million for environmental and indigenous defence. The military took the environmental and indigenous programme into their own hands, a job which they had no specific preparation for, nor any legal jurisdiction, suppressing protests and prejudicing

1. Macuxi
2. Yanomami
3. Tukano
4. Tikuna
5. Gavião
6. Kaiapó-Gorotire
7. Mekranoti
8. Kaiapó-Kubenkokre
9. Uru Eu Wau Wau
10. Gavião Arara Karo
11. Arará
12. Zoró
13. Suruí
14. Cinta-Larga
15. Nambiquara
16. Kaiowá
17. Pataxó

claims and diagnostics. They ended up by not demarcating the indigenous areas belonging to the rubber collectors and the planned forest reserves, but they gave the go ahead for the road to be asphalted. The *Kaxarari*, for example, had a gravel mine on their land, owned by the builder Mendes Junior, to supply stones for the asphalt, which contaminated their water supplies, devastating the mock orange and chestnut plantations, causing hundreds to fall ill and five deaths, according to their leaders.

The military influence has become obvious in the Calha Norte project of 1985 – the occupation of 6,500 km of frontier land – followed by PROFFAO, (Programme for the Development of the Border of the Western Amazon) of 1988 with the strategy of freeing the indigenous lands of the north and east Amazon for the purpose of economic exploitation.(11) The idea is to

integrate the Indians, without showing any understanding for their special culture or the rights guaranteed them by the Constitution.

In truth, military interference is confessed to despise and scorn indigenous knowledge and wisdom, the ex war minister, Leónidas Pires, actually said publicly on Indian day, that they (the Indians) do not have a respectable culture and they should be integrated. The fear of the military that the Indian should be manipulated by international interests wanting to occupy the Amazon, is a rhetoric camouflage of the close relationships that they, the military, have maintained since the military regime with the large construction and mining companies. Proof of this is the recent Transfrontier Project which is circulating in the National Congress, inspired by that old spiral of interests which anticipated the asphalting of 8,000 km on the Amazon borders, without any socioenvironmental criteria or protection for the Indians.

7. Violation of Rights and Genocide

There have been very recent massacres:

1. 14 *Tikuna* Indians, including children, from the Amazon state in Benjamin Constant, near Peru, were killed by a local timber firm within indigenous territory in 1988, and the criminal have still not been prosecuted:
2. In 1988, besides 2 *Tikuna*, 22 more Indians were murdered: one *Suruí* Indian in the *Zoró* area of Mato Grosso, the whole group was almost massacred (there have been no prosecutions to date); 1 *Pataxó* Indian, 9 *Yanomami*, 2 *Masco*, 1 *Macuxi* man and others.(12) In 1990 2 more Macuxi were murdered. The gloomy list includes many other leaders each year:
3. *Omere*:- In 1985, witnesses saw bodies in the south of Rondonia. The Indian's territory was freed for the companies which were working there, who in turn obtained the title deeds. There are still some Indians on the run, they are sometimes seen naked, around the villages in the area:
4. *Yanomami* - About 1,500 Indians have died from a global population of 10,000 since 1989, either from illnesses or murder. It is the most tragic case of indigenous rights violation. There was an invasion of 50,000 gold diggers in 1989, a lack of respect for indigenous territory shown by the Brazilian government itself, who mutilated Yanomami territories this year by dividing them into 19 separate areas, the whole expanse of which didn't even make up one third of the area which by right belongs to the indigenous population. The Yanomami lands, if they are respected, represent 10% of the national indigenous lands – and there are more groups to defend in the same state and neighbouring ones. In one way or another, the protection issue is still unchanged today, beyond the fact that the gold diggers have been moved back several times, and FUNAI in 1991 proposed the demarcation of the original area again – which is still not approved in the governments higher petitions:
5. *Uru Eu Wau Wau* – another group recently contacted, still with isolated groups within their area, which is also recognised as an environmental protection area, to protect important budding rivers of the Amazon Basin. The rights of those Indians were recognised in 1985, and were revoked in 1990 because of pressure from the cassiterite ore and gold mining companies and the timber and agricultural firms. The present government reestablished the indigenous rights, but the invasions continue:
6. *Kaiowá* – there were 60 suicides from 1987-1991 from a population of 6,000 people, in a small area of 3,500 hectares, in the Dourados region in Mato Grosso. The causes of this tragedy are most likely the lack of prospects for achieving a materially and spiritually decent life, the harmful behaviour of the missionaries and sects who scorn the beliefs of the Indians. They are maybe murders disguised as suicides. Another example of the way restricted areas condemn the indigenous peoples to extinction, making their way of life non viable:
7. *Wassu* – Murder of a chief in Alagoas in September 1991:(13)
8. Recent murder of a *Zoró* by timber dealers in Rondonia without any reason, like so many others.

Genocide has been physical as well as cultural. Out of 230 groups which were identified in 1900, hardly 143 still survived in 1957.(14) At the beginning of the century the indigenous population was estimated to be one million, at the onset of colonialism it was between five and eight million. There were invasions, they died and the survivors melted into the mass of Brazilians. In each decade, in the forties, fifties and sixties for example, in each new economic cycle, like the revival of rubber exploitation, the opening of roads, mining, half of the indigenous population died in certain states such as Rondonia or Mato Grosso, from illnesses like measles or because they were massacred.

The health situation was always serious, the special medical services attributed to FUNAI was discontinued very recently as it was functioning badly. They now depend on the care system available to the general Brazilian public, although they are much more susceptible to our diseases. It is common to find high infant death rates, such as 300/1000, although some very ancient groups have raised this figure because of epidemics and successive depopulation caused by measles and tuberculosis. It is a case of genocide by neglect and connivance, and also an ethnocide, because by killing of the old ones, who are the main promoters of the thousand year old traditions, the cultural universe is also condemned.

The cultural losses are great and simultaneous. The frequent, unlawful interference of government officials adds up to the indoctrination of the religious conversion of North American millionaire sects, with the influence of gold diggers and invading colonials. The general picture is one of hostility towards cultural tradition, favouring the introduction of economic transformations and new business relationships, earning wages all without guaranteeing the renewability of natural resources.

8. Great Projects. Invasion of Indigenous Territories and Environmental Deterioration

The integrity of the indigenous territory is being systematically violated, and its survival endangered by various economic projects. Roads cut off some areas, hydroelectric dams are planned and built, the timber companies, gold diggers, mining companies and the colonisation projects are advancing onto the Indians' land, as well as the excess of migrants, without work or land. A more just and fair social model of the majority of society would allow an effective defence of the rights of the indigenous peoples and would block

the current tendency of turning the poverty stricken against each other.

The Indians are accused of having far too large expanses of land, and of hindering national development. Meanwhile, their lands, rightly protected, are fundamental for the preservation of the worlds forests. Many aim to grant them shares, like the colonials, denying them the right to have a status as peoples in their own right. Although the Indians are the majority of the interior population in several areas of the Amazon, and the planned areas are smaller than those belonging to the large agricultural firms, there is talk of a lot of land for few Indians, accompanied by an attempt to impose on them and the lands they inhabit, a quantitive limit. This criterion does not exist for the great proprietors of non productive land. They seek to deny them possession and usufruct of traditional hunting and fishing grounds, villages and ancient vegetable orchards, cemeteries, in short, rights which have been granted to others who have recently taken up residence there. The Kaiapó-kubenkokre from the Mekranoti area, for example, have the right of historic occupation of 5 million hectares, almost 1,5 times the surface area of Holland, covered with tropical forests, which still have not been demarcated. All the rivers in the Rondonia area spring from the lands of the *Uru Eu Wau Wau*, which partially coincide with an environmental preservation area. The *Yanomami* lands represent 10% of the Country's indigenous land.

9. The Polonoroeste Programme, or the Prevention of Environmental Impact of a Large Project.

The Paving of BR 364, Cuiabá-Porto Velho road was carried out with a programme of US$ 1,5 billion, with one third of it being financed by the World Bank. It also comprised colonisation projects, health projects and land regularisation. The so called Polonoroeste project was carried out from 1982-1987, and it is planned to continue for the next few years. The Planafloro, which was also badly planned, forced millions of migrants into the states of Rondonia and Mato Grosso.

The programme sadly became well known because of the harmful consequences for the Indians and the environment, even though 30% of the total loan was planned for their defence and protection. The paving of the road brought about huge environmental devastation, along by the roadsides, the access paths and the policy of conceding the land rights to those who devastate and uproot it. It turned the lives of 60 indigenous peoples in the region (almost ten thousand Indians) upside down, with massacres, invasions, loss of land and illnesses – even though demarcation had been carried out in a large number of areas (30-60 regions), a victory for the indigenous and environmental movement by insisting that the Brazilian government, under a clause of the loan contract from the World Bank, respected the Indian's rights. The loan from the Bank was suspended for some months in 1985, with the demand that certain important indigenous areas were defended.

This programme, the evaluation of which the IAMA team worked on for several years, is a good example of the effects of large projects. With the paving of the road, 200 thousand migrated each year to Rondonia, which experienced an annual population growth of 20%. The state only settled 25,000 colonials on a permanent basis, the rest continue to live in their state of poverty, or invaded indigenous lands and parks, victims of malaria and other illnesses, which increased with the land and soil eradication. Despite being a rural settlement programme, it caused the population of Rondonia to jump from 700,000 to 1,500,000, two thirds living in the cities, and tens of thousands of gold diggers and lumberjacks.

The penetration of timber and mining companies, and gold diggers was alarming. Land eradication reached 24% of the surface area of the state of Rondonia, in 1988 – when it was scarcely 1,7% in 1978 (15). In just a decade, thousands of years of preservation by the Indians were destroyed.

It is estimated that, just from the indigenous areas, the value of the wood that is exported illegally and against the constitution without any benefit for the Indians or for the Brazilian public coffers, was US$ 450 million, – the value of the loan, and destroying a non renewable resource, mainly mahogany. The Indians were left with barely US$ 30 per cubic metre, when the wood is estimated to reach US$ 500 minimum on the international market (16). The unorganised exploitation of wood lead the way to drugs, as denounced in 1991.

The hardest hit victims in the Polonoroeste were numerous groups of isolated Indians, in the jungle, who still have no peaceful contact with white man (like some of the *Uru Eu Wau Wau* groups, those from Igarapé (a small canal where only igaras – small boats – can pass). Omeré, the *Tupi-Cawahiba* of the Maderinha river, those from the Biological Reserve in Guaporé, the *Baixinhos*, neighbours to the *Cinta Larga*, and many others), they are always on the run from the pioneer frontier, even as recently as 1991, many were murdered, died from illnesses, without understanding the violence that was going on in their lands, overtaken by the conquerors.

10. The Timber Dealers

Brazilian legislation is clear in its prohibition of the exploitation of timber on indigenous lands, which are considered environmental protection areas. By law, exploitation can only take place if the area is reforested, that is to say, renewable resources are replaced, and only if the profits were used on projects with indigenous interests in mind. The General Procurator of the Republic, recently reconfirmed the interpretation that the Indians have full usufruct of their possessions, which does not imply the destruction of trees.

Meanwhile, the government, through the mediation of FUNAI, encouraged a plundering exploitation, particularly from 1986 onwards. The then President of FUNAI made illegal contracts with the timber merchants, and when they were denounced he encouraged the Indians to deal directly with the companies. It was the officials of the institution who profited, the Indians didn't even receive the price for the wood they sold, or receive juridical assistance, or were given help as to how to use the money they had received profitably by making technical or social investments.

This President of FUNAI, who was accused of various crimes and had been prosecuted five times, was nominated in 1988 as governor of the state of Roraima, where he was one of the people responsible for the *Yanomami* tragedy, by forcing the gold diggers to enter their land.(17) His impunity shows that he was protected by high echelons of the Brazilian government. He lost the election for the government, but he voted his wife in as federal delegate for Roraima, now aiming to control indigenous legislation.

The indigenous areas were under pres-

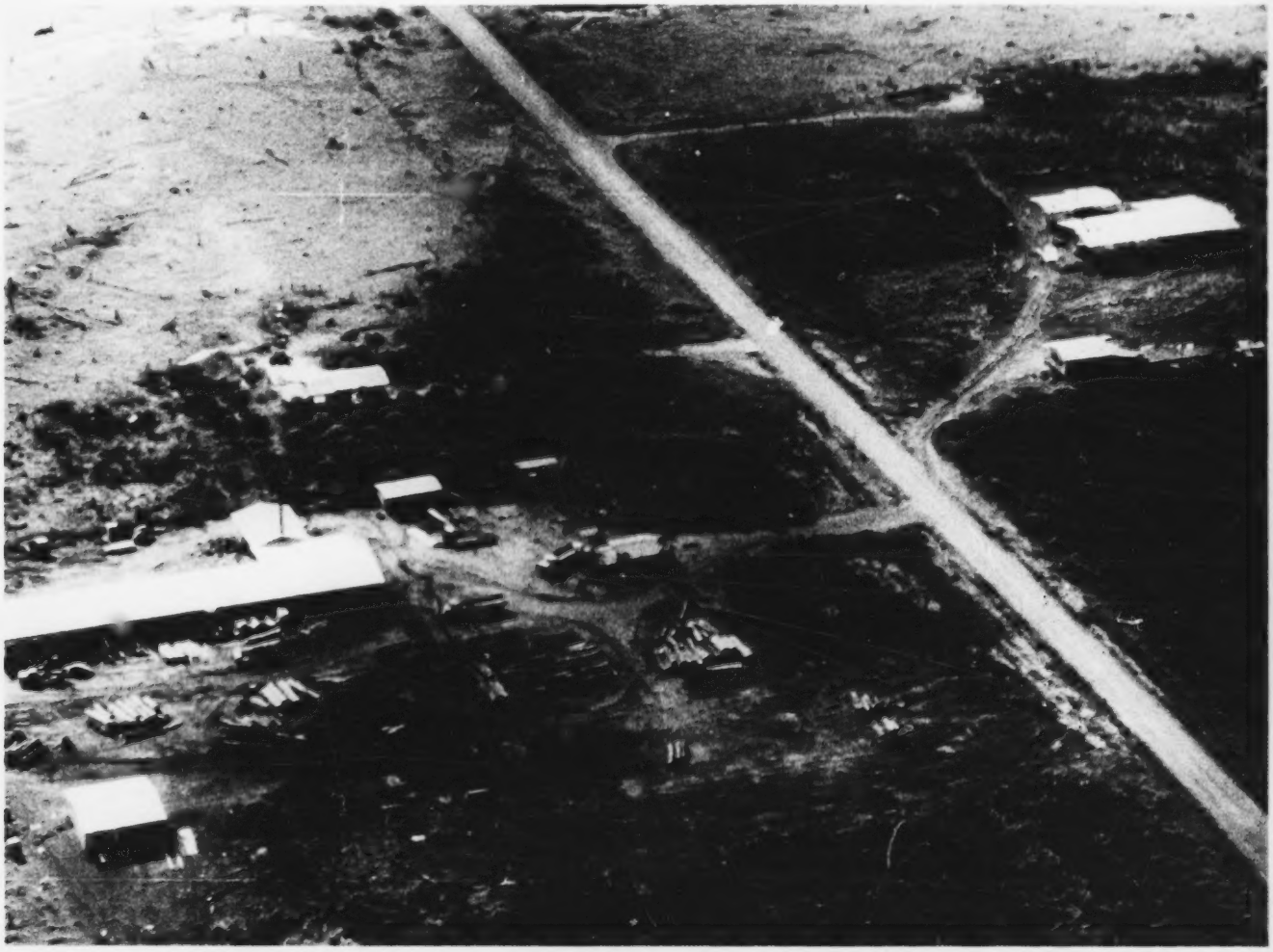
sure from eradication, as in some regions, these were the last reserves where the jungle survives. What we described as happening in relation to Rondonia, also happened to other groups, like the *Kaiapó* in Pará, who saw their reserves destroyed. In 1984 FUNAI tried to persuade them to allow a gold digger onto their land (and afterwards to sell wood) by promising that they would demarcate their land. The Indians did not fully understand that this was the duty of the government any way, independent of whether the forest was being exploited or not.

In 1989, in just one area in Kaiapó, in Gorotire in Pará, an official FUNAI document confirmed that 70 thousand cubic metres of mahogany wood had been sold – which is equivalent to US$ 35 million, calculating the export value of the wood to be US$ 500 per cubic metre. The proceeds financed the election of conservative politicians, and they overflowed into the growth of improper companies and encouraged the disorganised appropriation of land in the east.

A study of Brazil is still to be made, of the wood markets and circuits, of how to prevent devastation, to fine the timber dealers and take the wood, forbid any importing, they constitute easier measures than demanding unilateral preservation from the Indians, and still without giving them any economic alternatives for access to the market and health care. It is easier to steal from the Indians than from the landholders and the private companies, and eradication is violent there. The reversal of the process depends on political decisions, on the power of the Police and investments in economic alternatives.

The timber dealers continue to insist that it is the agricultural firms who are mainly responsible for eradication because of their fires. Meanwhile, studies show that by searching for the wood that is exploitable, they destroy 40% of the area when they come in with their tractors, similar to the military vehicles which opened the roadways in recent colonial wars.

They destroy the small canals of the Igarape people, they cause erosion and create swamps, they frighten the birds and the animals. Despite them being precarious, it is by means of these precarious roads of the timber dealers that the hoards of invaders aiming to take possession of the indigenous land make their entrance. It was very rare that any agreements made with the timber dealers were useful for the



Rondonia today has more than 2,000 sawmills and in the north of Mato Grosso there are about 6,000. Photo: IAMA archives.

community, the proceeds generally remained in the hands of a few, as the merchants pay the Indians considerably less than they do the colonials. Some Indian leaders have been cheated with cheques which bounce, unregistered vehicles and unfulfilled promises.

Mining

Mining on indigenous land is unconstitutional in Brazil: it can only be carried out with prior authorization from the National Congress and the indigenous community. There is a real conflict between the mining companies and the rights of the indigenous population, the former always trying to obtain the extraction of minerals and investigation permits. In 1986 there were 537 warrants and authorizations for the search for minerals in the indigenous areas, and another 1,700 being processes; in the Amazon, 34% of the expanse of indigenous areas is coveted by the mining companies (50% are national companies, 40% multinational and 10% state).

The effects, for the Indians, are harmful – craters have opened on their land, it is contaminated with mercury with lethal consequences, rivers courses have been deviated, fishes have disappeared, broken decantation dike, amongst others. Cities mushroom only to be abandoned and transformed into ghost towns when the minerals run out. Foreigners invade the lands, degrading the life of the indigenous population, there is a badly guided relationship between consumption and money which is made use of, without really understanding the relationships which are at stake. For example, the exploitation of the cassiterite belonging to the *Waimiri/Atroari* and the *Tenharim*, by the company Paranapanema, one of the country's largest companies. On Waimiri/Atroari land, nine dams containing cassiterite residue belonging to Paranapanema burst, spouting contaminated substances into the only clean river that the Indians had left, then the Uatuma was blocked by the hydroelectric plant of Balbina and the Pittinga is steadily being destroyed by the cassiterite exploitation carried out by the same Paranapanema.

The *garimpos* (they are so called in contrast to the company mining), the multitude of individual workers who dedicate themselves to searching for gold, cassiterite or diamonds cause environmental repercussions which are even more detrimental, but have not yet been submitted to any form of control. The effects of mercury pollution, which has only been studied superficially amongst the Indians, could be irreversible and because of its organic make up the results won't show until many years later. There are about 30 areas with the majority of gold diggers being non indigenous, some mixed gold diggers and some indigenous gold diggers, manipulated by the informal »gold digging companies«, which are in turn dominated by the large international gold commercialisation companies. Holland is one of the countries which supplies mercury to Brazil, together with England, although it is extracted in Spain, Algeria and Turkey.

To this we add the extinction of fish and other natural resources, sources of food and income. The unorganised invasion of indigenous lands by gold diggers, bringing with them illnesses and pollution; the corruption of the officials of FUNAI, with the abandoning of the defence of the indigenous rights, easy earnings, making the Indians abandon agricultural production, hunting and old traditions; problems with the indigenous women, because the gold diggers come without families; internal social disorganisation, with the appearance of destabilising economic inequalities, which did not exist in tribal life; the mingling of the Indians in the life of the border cities, causing an increase in venereal diseases and marginalism; armed conflicts and deaths – all of this is part of the scene introduced by the gold digger.

Recently, two thousand gold diggers entered the lands of the *Nambiquara*, to the north of Mato Grosso. The governor agreed with them a term of 60 days for their withdrawal. They brought in new machines and increased in number. The government, by conciliating and differing, made the withdrawal even more difficult, in spite of the fact that gold digging on indigenous land is unconstitutional, without any prior authority from the National Congress in express agreement with the Indians. It is a repetition, on another scale, of what was deliberately prepared for the Yanomami and which Megaron has been denouncing with respect to the Bau area.

The expectations and need for money became very high, but, they frequently only benefitted a few leaders, despite possession and usufruct being a collective right. Although they do not even manage to solve the health problems, nor offer medical care services, there were cases of Indians chartering planes to search for consumer products and even alcoholic drinks. In short, the Indians do not receive the correct market value for the mining (nor for the wood either), and they do not use the monetary income in a suitable way, not having any experience with this. Other examples can be found with the *Tukano* of the Amazon, the *Cinta-Larga* of the Aripuana Park, the *Kaiapó Kikretum*. The too rough and hurried experience with the markets and money is harmful and does not constitute an apprenticeship for possible self-sufficient development. Once the mineral resources are exhausted, they are left with poverty, having not made any investments, and without the resources of the jungle and the food that they had previously.

The climate of the far east and insalubrity created by the gold diggers amongst the Indians is a replica of what happens amongst the gold diggers in general. An example of slaughter was the massacre of the gold diggers of Serra Pelada in 1987 – with rivers of blood flowing close to the bridge over the Tocantins, in the proximity of Maraba, when the gold diggers were murdered by the Military Police.

The indigenous area which has been most hard hit is the *Yanomami* territory, the majority having had no contact with or knowledge of Brazilian society until very recently. The splitting up of the area made invasions and sickness epidemics easier, it made the Indians lose lands and plantations, hunting and fishing, causing hunger and poverty so great that some photos look like concentration camps. The companies, the gold diggers, organised with assistance from the state government, opened 120 landing strips in the area at certain periods, causing eradication and malaria outbreaks, polluting the rivers and harming the fish. Besides mercury, gold digging caused the sediments on the river beds and banks to be mixed, leading to physical pollution. Numerous Indians were murdered, inside their own hearths. The case of the young boy who climbed a tree to look for an arrow and was shot by an invader's bullet, as if he were a monkey – although the criminal knew very well that he was shooting at a human being – became very famous. (Luckily the boy was rescued by a plane and his life was saved).

11. The Carajas Project.

The Great Carajas project in the eastern Amazon, covers an area of 900 thousand km², that is to say, 10% of Brazilian territory (almost 25 times the size of Holland). It was initially planned in 1980 as an investment of US$ 62 billion (18), structured around the mining and the processing of a range of ferrous and non ferrous metals. The iron mine in Carajas, close to Maraba, administered by the Vale do Rio Doce company, is one of the core components of the project, and it began the construction of a 890 km long railway line to San Luis, and investment of US$ 1,5 billion.

In Caracas there is a series of macro-projects for aluminium production (71 approved projects in total). Iron and steel works are planned along the track, powered by native charcoal in an unexpected policy of destruction to the forest. Also in the area of Great Carajas is the gold mine of Serra Pelada, a setting of violence, where more than two thousand people died between 1981 and 1988.

The hydroelectric dam at Tucurui, the largest in the world in a jungle area, was destined for use by the industries in the Great Caracas region, to produce cheap energy for the production of metals and iron, in what constitutes a true subsidy of the importers of the developed nations.

It is fitting to remember the importance, in this region, until recently, of the authority of the National Security Council, to which was submitted through GETAT (Executive Lands Group of Araguaia and Tocantins), the territorial regularisation of the region. The Great Carajas project exasperated the conflicts over lands, in one of the most violent states in the country in the 1980's, with workers and rural leaders being murdered, especially in the region known as »Bico do Papagaio«.

The foreign loans given to the Great Carajas project until 1988 amounted to US$ 1,8 billion, excluding from this sum the factory at Tucurui. The railway line was partly financed by the World Bank, in a project which included, as is the case in the Polonoroeste, a clause for indigenous and environmental protection.

The planned resources were not sufficient to protect the Indians from the impact of the pharaonic and economic transformations. In the area most influenced by the railway line, there are 13 thousand Indian inhabitants, split up into 16 different groups (19). The rail line cut off various indigenous areas, such as the lands of the *Gavião* (who managed to get compensation from the CVRD after much mobilisation), it encouraged the siege of participants and companies and wood exploitation. One conquest of the indigenous-environmental movement was the demarcation of various areas of their land, and a health programme was implemented; the balance, nevertheless, according to many anthropologists and other observers, was not favourable to the Indians.

12. The Hydroelectric Works

According to the development enquiry of IAMA, the works being carried out by the state energy sector, directed by large construction companies, comprise 23 hydroelectric plants, affecting 42 indigenous villages. The new energy plan, in force until the year 2010, will raise this figure to 78 plants, affecting 124 communities. Close to 80% of these plants are in the Amazon, and the possible presence of isolated Indians was discovered in 24 of them.

The effects on the community are serious: large areas of indigenous territory could be flooded – for example, in the case of Ji-Paraná, 40% of the lands belonging to the *Gavião* and *Arara* of Rondonia will be affected. The reproduction of ichthyofauna is in danger: fish, the main food source, are disappearing, particularly under the ebb of the dams, like in the Tocantins with Tucurui. Insects, plagues and illnesses can multiply.

The *Parakanã*, Indians with whom contact was only made in the 70's, are a sad example of what can happen. They were moved on from their lands twice by the huge factory at Tucuruí. They protested when they were transferred to their lands which, although not flooded in the end, were used for the resettlement of some 600 colonists, whom the Indians came into conflict with. Contact became disorganised, already more than half the Parakanã population had died from illnesses by 1982, and there were still about 100 isolated Indians trying to reach their remaining relatives. Meanwhile in 1984, the factory was inaugurated without the Parakanã area being demarcated.

Hydroelectric dams are planned and built without taking any prior steps to defend the Indian's land or to inform them. The increasing social movements and environmental conscience resulted in the creating of an environmental programme, such as the Eletrobras one, a government company, which is not even sufficient.

Many of the mistakes made with the non indigenous population are repeated, they are not heard, their quality of life has been seriously damaged, they have only received partial compensation for the lands and possessions they have lost, and they have now joined the army of landless unemployed.

Recently, negotiations with the hydroelectric companies aggravated unrest, they proposed giving a vehicle in exchange for flooding thousands of hectares.

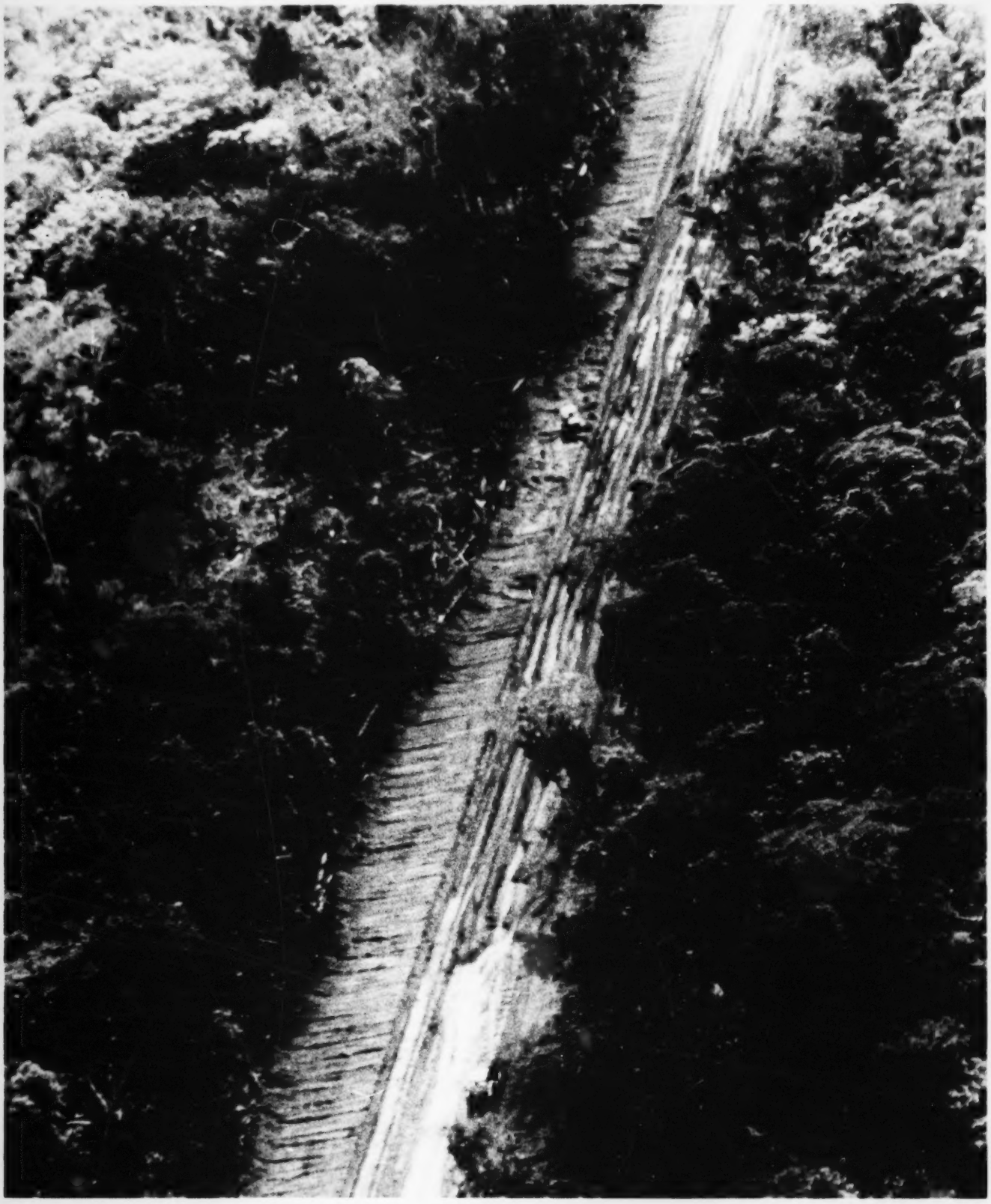
13. Roads

Indispensable for economic growth, and longed for by the people in general, they should only be built with a careful and widely discussed grading of social priorities, never uncontrolled as is the norm. The interests of the inhabitants of the region, not only the migrants, should be considered top priority when planning.

There is no road, at least in Brazil, that has not harmed the immediate environment. For the Indians, it is the roads that are the channels which have brought the worst of Brazilian society – illnesses, invasions, commercial exploitation of non renewable resources, social and cultural disorder, their ways of life changed for the benefit of individuals and not the whole community, alcoholism and mendicity.

A study carried out by IAMA indicates the indigenous groups who have been affected by the roads. In any one of these cases genocide is found, illnesses, murders, armed conflicts and fights for the land. With the Cuiabá-Porto Velho road, for example, the *Nambiquara* saw their territory, before demarcation, cut across and violently reduced by the road in the years between 1970 – 1980. They were transported from the jungle to the »cerrado«, even in planes, and a large majority died, incapable of surviving in a different habitat etc. The *Suruí* lost half of their territory to the illegally settled colonists, and they saw half of their population die from measles in the 70's. The Transamazon cut through the land of 20 known indigenous groups, 90% of them isolated in the bush, like the *Krenakarore*, causing them to be scattered which proved deadly.

An effective defence for the rights of the indigenous lands should be guaranteed prior to the works being carried out – and this is what was planned in the pro-



For the Indians, the roads brought the worst of Brazilian society.
Photo: IAMA archives.

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grammes like the Polonoroeste and PMACI. The interests compromised in the building and land appropriation and the resources allowed for the roads are always so large, that they overtake demarcation and assistance to the Indians, which demand strong politics and firm decision making powers.

14. Armed Conflicts

The indigenous victories on gaining respect for their rights were conquests – also of rebel movements and legitimate defence. The *Kaiapó, Xavante, Apinagé* Indians and others cut off the roads, they took ranches, they took hostages, demanding demarcation and the expulsion of the invaders. The same thing happened in many regions, like Rondonia and Mato Grosso with the *Suruí, Cinta-Larga and Gavião.*

With warlike ways and politics different to ours, the Indians are far from being passive observers of genocide. This justified indignation has become transformed , especially during the 80's, into organised movements, although in the initial stages, integrating and joining themselves with Brazilian civil society.

15. The Indigenous Organisation

The indigenous organisation started growing in the 80's. An important event was the election of an indigenous federal delegate in 1978; and the creation of organisations like the Indigenous Nations Union in 1980, and many others like the FOIRN (Federation of Indigenous Organisations of the Rio Negro), COIAB (Coordination of Indigenous Organisations of the Brazilian Amazon), and in 1991 the Intertribal Committee and the Commission of Indigenous Mobilisation, etc.

16. Sustainable Development, Autonomy and Preservation of the Natural Resources.

These elements make up the central platform, but it should be united with action from many other fields, to contain the devastation and join together with environmental defence policies.

Today it is undeniable that the Indians need a monetary income and the same benefits as anybody else, technological as well as economical. Commerce for the Indians begins with contact – and introduction of »work« meaning labour, a word which they don't have. In Brazil, this introduction has been the most destructive way possible, seriously harmful to their interests. To find ways of producing for the market, supporting the social and cultural organisation and the indigenous values is the challenge that is imposed. To place the viable products of the jungle on the market, handicrafts, works of art – new profitable ways have to be invented.

17. Contribution of the North to Prevent the Destruction of the Jungles and the Rights of the Minorities

There is, without doubt, contribution from the northern hemisphere in the form of social and environmental conscience for a better quality of life in the southern hemisphere. Faced with the complex causes of environmental disaster and the misery and poverty that comes with it, to increase the efficiency of this contribution, it should be guided by deeper reflection. Without trying to respond hurriedly to a new and difficult subject, some frameworks should be considered to guide a proposal of co-responsibility:

a) The points undertaken to follow should not be confused with some government speeches, such as the Brazilian, which emphasises sovereignty to conceal a blind and opportunist development, with a high social and environmental cost and to the advantage of a minority who export raw materials and semi-industrialised products at degraded prices. It is true, on the other hand, that a global reorganisation of the environmental policy can not be imposed from outside inwards. A suitable public policy towards social justice and sustainable development, should come from an internal movement in the tropical countries, becoming transformed into an efficient political force;

b) therefore, the action taken by the north should be understood, not as an intervention by the showing of force, but as a contribution, whose central point is the support and cooperation for the formation of internal prevention mechanisms in the economically dependent counties;

c) the first step is to give an example, the acceleration of preventive and corrective measures, and the recuperation of the polluted and degraded rivers and lands, the reduction of atmospheric pollution in the northern hemisphere itself, where surely the greatest polluting agents are concentrated;

d) control of the importing of products for plundering extraction is indispensable, with changes in the way of life of the industrialised world, economising with the non renewable natural resources. The wood and cassiterite destined for beer and coca-cola cans are a good example, just like the gold snatched out of the Amazon rivers at a high social cost, causing mercury pollution and erosion;

e) enlargement of the market and valuation of the renewable products from the tropical woods, through the introduction of preferential rates, fiscal dispensations and technological cooperation the produce of the traditional populations which contribute to the preservation of the tropical forests, like chestnut, rubber, medicinal plants, fruits, amongst many others;

f) active surveillance over the loans and bilateral and multilateral investments for construction works in tropical countries (mining, hydroelectric, road building, agricultural and colonisation activities), when they are not preceded by preventive and corrective measures with regard to the socioenvironmental impact, especially on the traditional populations;

g) renegotiation of the foreign debt in favour of sustainable development and the traditional and disadvantaged peoples;

h) recognition of self representation by indigenous peoples and communities such as the rubber collectors and the riverside dwellers, such as interlocutors of programmes which combine environmental protection, renewability of resources and social development. Meanwhile, just the presence of indigenous representatives is not enough, they should be representatives of the interested communities which have been directly affected, in case the legitimacy of the representation is questioned;

i) stimulation and support to the NGOs (Non Governmental Organisations), especially to the investigation centres which can contribute to the evaluation of these questions, contributing to the widening of awareness towards the need for change within Brazilian society itself, as well as in other economically dependent societies, increasing the efficiency of the movement;

j) reforestation programmes in the already degraded regions, guided by the so called social forestry body, diversifying the species, using native species, in favour of the communities, and not large companies involved in the exploitation of wood and the use charcoal, even introducing species for extractive production like perennial cultivation;

k) favour the programmes which support protection for the lands, health, reciprocal and bilingual education of the indigenous peoples, through supporting the education of their own teachers, to be differentiated from other social contingents, although disadvantaged like the majority of the tropical populations, which they differ from as peoples;

l) encourage studies on the thousand year old way in which the traditional populations use the jungles, in the sense of making the best of their knowledge in programmes for using the jungle to its best advantage, guaranteeing them the intellectual ownership rights for knowledge originating from their wisdom;

m) take international negotiations further for the prioritisation of the rights of the peoples and the ethnic minorities to a cultural difference and to development. An interesting step was shown by Colombia, where the presence of indigenous members of parliament is planned. A similar idea is being introduced in Canada and the United States, although equality of conditions will not be easy;

n) prioritisation of the control mechanisms against the action of the large international companies when they do business in the tropical world, through means of a stricter international legislation;

These observations are some of many which can be made about such a subject as this, which has hardly begun to be studied, and which still meets strong resistance. It is important to make a contribution to consolidate the view that environmental destruction, misery, poverty and oppression of the indigenous peoples goes hand in hand with the concentration of income and the importing model which is imposed on the tropical countries by the endocolonial mentality. On the other hand, as the intensification of the exchange of ideas between independent groups from the north and the south demonstrates, striving for a new society will yield results when the cooperation of people and institutions from both sides of the equator are combined, fighting for and prioritising common values, like quality of life, guaranteeing the rights of the minorities and the preservation of natural resources, steps which speak for a better common future for the earth.

Notes

1) World Bank 1990: 128
2) The Ecologist 17 (4/5), 1987: 132
3) World Bank 1991.
4) World Bank 1991: 140
5) Estimates by RIBEIRO, Nelson 1987.
6) Journal official des communautés européennes, N.C 264:2, 16/10/89.
7) CIMA 1991: 106
8) The Ecologist, 17 (4/5), 1987.
9) CEDI/PETI 1990.
10) DALLARI, Dalmo 1991.
11) Study n.007/30 of SG/CSN, quoted by Bruce Albert, 1989: 34.
13) Folha de Sao Paulo, September 1991.
14) RIBEIRO, Darcy, 1970.
15) FEARNSIDE 1989 and LEONEL 1991.
16) Calculations of IAMA and other environmental NGOs of Rondonia, meeting convened by the ECOPORE in Rolim de Moura, May 1991.
17) Veja Magazine, 2/11/88.
18) HALL, Anthony, 1988.
19) VIDAL, Lux, 1988.

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Brazil: Gold miners invade the Indigenous area of Sararé

By the AWARU-Commission for indigenous support for the Nambiquara people

Historical Background

In the history of Mato Grosso, there is a chapter in which the fall of Vila Bela da Santíssima Trindade and the transfer of the capital of Mato Grosso to Cuiabá in the century 18th is attributed to the malaria epidemics and the aggression of the Indians of the area.

Today, to say the least, an alarming situation exists in which the lands of the Indians of the Rio Sararé Valley are invaded by more than 5,000 gold miners (garimpeiros), and now is a fitting opportunity to recap on the story of this indigenous group's contact with national society.

The indigenous group which inhabits the Sararé Valley is a *Nambiquara* subgroup, which up until the beginning of the century numbered 6,000 individuals. They occupied an area of some 5,000 km², a vast area which stretched from the high Guaporé as far as what is today the state of Rondonia.

In the 18th century, with the influx of outsiders to Vila Bela, these Indians tried to resist the invasion of their traditional territories, but they were greatly affected by the epidemics and diseases which up until then were unknown to them and which they contacted from the colonialists.

In this area the ruins and archaeological remains of »quilombos« (communities of run-away black slaves) offer proof of the conflicting situation in which the Indians found themselves.

At the beginning of this century, from his innumerable visits to the area, Rondón tells of the plundering of the Indians' crops and of the rubber collectors' (seringueiros) attacks on their villages which they then took over.

The mortal blow for these Indians came with the opening of the BR-364 roadway in 1961 and the introduction of the POLO-AMAZONIA programme by SUDAM, (Supervision of Development in the Amazon) which allowed innumerable timber companies and large farmers to invade the lands of Guaporé. This period saw the worst violence and extermination en masse of the Nambiquara.

During the 1970s, this indigenous group saw their food reserves affected by the clouds of *Tordon 155*, a chemical deforester used by the big farmers for the deforestization of the Guaporé Valley.

These Indians were forced to leave their territory, transported in the farmers' planes to the »cerrado« (low forest area) and relinquish their lands to the companies.

After some months, seeing that the lands of the »cerrado« could not produce wheat, their basic food, the Indians returned by foot to their valley of origin confronting want, privation, hunger, illness and persecution.

In 1970 this situation called the attention of an international Red Cross mission which called the situation »Brazilian Biafra«.

In 1977 the question of the indigenous lands of Sararé and Guaporé was the subject of a parliamentary commission of investigation.

With the advent of POLONOROESTE in the 1980s, an area of 67,420 hectars was demarcated for these Indians. This was less than all the areas proposed previously.

At the same time, the pressures exercised for the introduction of other economic activities in the area increased. These were favoured by the introduction of the above-mentioned programme. These activities are very often illegal, like the scandalous case of robbing timber from within the indigenous areas, and now the illegal gold-diggers who are invading the indigenous area of Sararé.

The Indians and the gold-diggers

Since the end of 1990, the gold-diggers have frequented the boundaries of the gulf of the river Agua Suja which is the natural boundary of the indigenous area of Sararé. In March of 1990, the visit by the head of FUNAI (National Foundation of the Indian) along with the indigenous community of *Katitauriu* confirmed the pollution of the gulf and the beginning of the invasion of the indigenous area. The report by the FUNAI official stated »(The Indians) observed the existence of huge craters on the bank of the gulf, near the canal which, in short, endanger the natural bed of the river as these holes can turn into large lakes, carrying sources for the spreading of diseases.«

The invasion of the indigenous area of Sararé by the gold-diggers has its origin in an illegal operation by the mining company Santa Elina which authorized the entry of gold-diggers to an area granted for the exploration of tantalum. This operation is illegal because of the fact that DNPM/MINFRA (the National Department for Mining) granted the licence and the party who has received permission may not transfer it to a third party. The installation of the gold-diggers in the Rio Sararé Valley was covered by a »protocol of intentions« of the 18th May 1990, signed between the company Santa Elina and the Joint Cooperative of Gold-diggers and Gold Producers of the Sararé Valley. The document is also signed by the Government (previous measure). In this document the said company permitted the members of the cooperative to extract gold in the area despite the fact that it was reserved for the exploration of minerals. As can be seen from the contents of clause 6, all gold extracted is obligatorily sold to the mining company. Apart from this a payment of 5% of all the gross production of each gold-digger is stipulated in clause 11 as a form of indemnification for the mining company's financial losses in connection with the expenses incurred by

them when obtaining the authorization for the development of the work of searching for gold. Clause 9 obliges the mining company to provide equipment, food and medicine for the working gold-diggers. The duration period of the contract for the extraction of metals is 2 years, starting on 18th May, 1990.

The intention of the protocol signed by the Cooperative is the pure and simple contraction by the entire cooperative to exploit the land reserved for the mining company through its members.

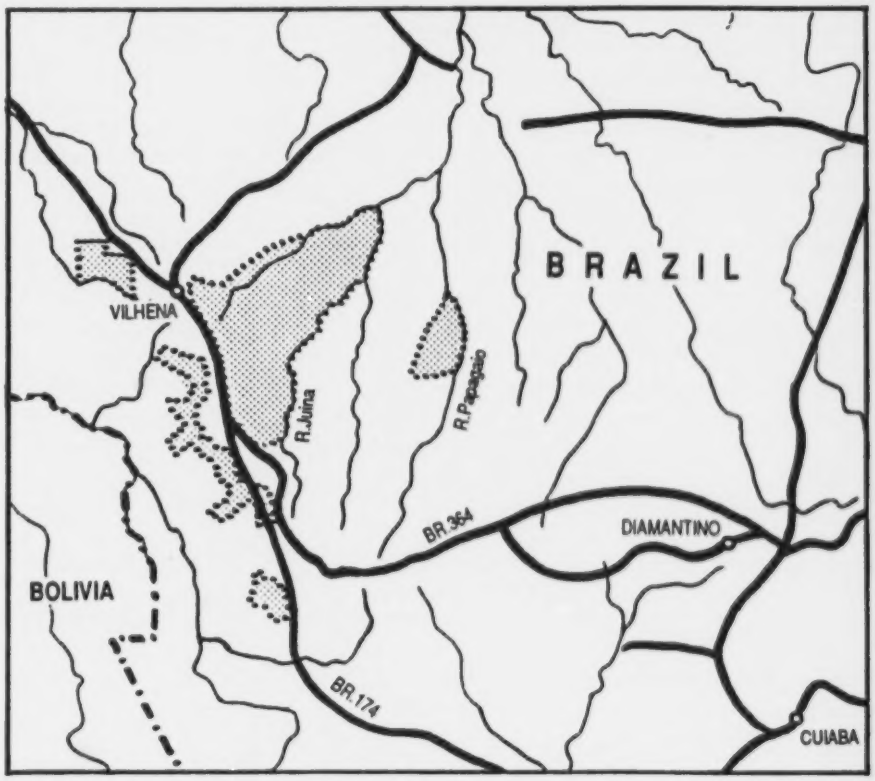
On the other hand, FUNAI did not prevent the gold-diggers who were installed on the border of the indigenous area of Sararé from advancing into it.

In May, 1991, after a visit to the area a report by FUNAI states that »On this occasion we noticed a tense atmosphere during our visit to the area. We explained that, due to the increased number of gold-diggers and the small number of Indians, we were not able to control the reservation near the gold-diggers camps, nor were we able to stop the advance of the gold-mining activities into the indigenous reservation.«

In June, 1991 an interinstitutional visit took place to the gold-mining area. IBAMA, FEMA, the federal police, FUNAI and CAIMT took part. On this occasion, the coordinator of indigenous affairs of Mato Grosso noticed the presence of a gold-mining camp situated 8 kilometres ahead of the first with about 250 gold-diggers. This group was also creating a situation which was degrading the environment. Yet further in there were three small groups of about 40 persons each. The presence of representatives of IBAMA was asked for in order to confiscate 8 machines which were working in the indigenous area, but this did not happen.

In this disastrous situation and, as they saw that no help was arriving, the Nambiquara, the subgroups *Sabané, Mamaindé, Negarote, Hahaintesu, Anunsu, Alantesu* and the *Katitaurlu*, officials of FUNAI and members of AWARU (commission for indigenous support for the Nambiquara people) met together. Thus, numbering more than 100 persons they joined up as this was their only means of verifying the advance of the gold-diggers' invasion. Their report was alarming:

»What we saw when we arrived had a deep impact on us, both Indians and non-Indians alike. There was a town of huts made of a plastic material, with shops, dwelling places, etc. There were holes, sand, streams of muddy water and machines as far as the eye could reach on each side (of the »town«). There is no river, only craters and deforestation. Sand stretches much further than the devastated region reaching what remains of the jungle and destroying different means of transport. The trunks of the trees are more than a meter deep in sand. We could not determine how much of the indigenous area of Sararé was invaded, because in this area the natural boundary would be the gulf of the Agua Suja, but this does not exist anymore... In the »town« conditions were the worst imaginable. We reckon that more than 1,000 people live there. There is no form of sanitation. Various huts were turned into bars which were selling alcohol round the clock. There were many prostitutes. In these conditions, the place is a breeding ground for disease and an ideal source for cholera. Upset by the situation, with great difficulty we managed to avoid violence on both sides. In this respect the big number of Indians was important, because a few persons alone would have intimidated the gold-diggers«. (September 1991).



On June 10th, 1991 an article in the newspaper »A Folha de São Paulo« disclosed the story at national level. With the help of AWARU, of CTI, (the center for Indigenous Work), of NDI, (Center for Indigenous Rights) and of the Nambiquara community of Sararé – the Katitaurlu – there was a protest in front of the Ministerio Publico, and they obtained a favourable measure of interest from the federal judge of the 9th Vara-DF. They arranged that FUNAI, IBAMA, the federal union and the federal police would force the intruders to leave and that they would restore the environment of the reservation. This decision was made in January 1992, but to date no measure has been taken apart from the meetings.

In October, 1991, after visiting the indigenous area of Sararé and taking note of the situation, a technical delegation from the World Bank included a large number of measures to implement the removal of the intruders from the area and for its environmental recovery in the »Aide Memoire« signed by the delegation, the government of the state of Mato Grosso and FUNAI. The implementation of these measure was

a prerequisite for the negotiation of the loan in question from the World Bank for the State to finance the PRODEAGRO programme.

At the moment there is an estimated 5,000 gold-diggers in the area including those who left the *Yanomami* area. Another subsidiary of the Rio Sararé located 6 km. within the indigenous area is suffering the impacts of the gold-mining. There are more than 50 dredgers in this area alone at the moment. The federal and national public organs throw responsibility for the situation from one to the other, arguing about who should pay the costs of expelling the intruders from the area and for the environmental recovery necessary. The atmosphere is becoming more tense and everything seems to suggest that we are about to have a situation similar to that of the Yanomami.

Despite the legal determination to immediately remove the intruders from the area, the newspaper »O Estado de Mato Grosso« pompously announced on March 11th, 1992, in conjunction with the news on radio and TV that the state governor had entered into an agreement with the gold-diggers and had granted them a time extension of 60 days in order to leave the area. We know that such an agreement is illegal, because it obstructs a previously taken legal resolution. On the other hand, we know what this time extension means – it´s a postponement which only worsens the problem. Information which is arriving from the area says that after the said »agreement« the process of invasion increased with a massive influx of new gold-diggers and dredgers.

At the end of last January, in a desperate attempt to expel the invaders from their lands, ten Indians tried to destroy gold-diggers´ camps which were set up within the area. A few days later, on 23rd January, a lorryload of armed gold-diggers tried to cut the current at the FUNAI post, but they fled when they saw the Indians advancing resolutely towards them.

Both the Indians and the FUNAI officials fear for their safety. The indigenous community is in a permanent state of alert. The men have reduced the number of their hunting and fishing expeditions, as they fear for the safety of the women and children. Malaria has broken out anew among the Katitaurlu yet reducing their normal capacity for survival.

The rights of the indigenous population as regards the exclusive use of their lands and the riches which lie herein are unquestionable. We cannot accept the argument that the gold-digger is a social problem, as this is a distortion of the facts. The truth is that the gold-digger is a result of the Brazilian social problem, and it is unacceptable that the Indians, who today retain only a small portion of their traditional territories have to be submitted, once again to the problems of the invaders at the cost of their own lives.

The State Constitution states clearly in Article 231, § 20 that »the lands traditionally occupied by the Indians are set aside for their permanent possession and they have the use of the riches of the land, rivers and lakes herein«. ❑

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»Culture is how we survive«

Interviews with five indigenous representatives from the Americas about the 500 years and the UN

By Heidi Moksnes

The year 1992 invokes indigenous peoples of the Americas to manifest their 500 years of resistance to European colonisations. Another »anniversary« is also being celebrated this year: the 10th annual meeting of the UN Working Group on Indigenous Populations which is working towards drawing up a Declaration on the Rights of Indigenous Peoples. How does the work to influence the UN Declaration relate to the long, historical struggle on the American continent? IWGIA talked with representatives from five indigenous peoples in the Americas about resistance, identity, and the future.

The UN Working Group on Indigenous Population (WGIP) was set up by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to propose a Declaration to present to the General Assembly of the UN. The Working Group therefore invites indigenous representatives from all over the world to participate in its annual meeting. During the two week long meeting the last draft of the declaration was discussed, and indigenous representatives presented local issues as a »Review of Developments« for the Working Group to consider in its drafting of the text. The meeting was attended by both indigenous representatives with long experience of international affairs and those who have come to speak on behalf of their community for the first time. This year was considered of especially important by many participants from the American continent. The work at the UN, they said, is only the latest form of the resistance which has been going on for 500 years.

The historical experiences and the realities today facing the indigenous peoples of the Americas are very varied. For some, the European colonization began with the first arrival of the Spaniards to the continent, while others were not directly affected until centuries later. The effects of colonization have also differed due to the way the specific indigenous society was organized, as well as due to the varying colonizing strategies implemented by the European nations. However, indigenous peoples in North and Latin American find important similarities in their experiences and struggles today. From the far north to the south of the continent they have chosen to send representatives to the UN meeting of the WGIP in order to promote the progress of the Declaration, as well as to achieve international attention for their grave local problems. Five of these participants speak here about the ways of resistance their people has chosen in the past, and how it is formed today. They come from the *Mohawks* in Canada, the *Blackfoot* in the US, the *Triquis* in Mexico, the *Quiches* in Guatemala and the *Amarakaeris* in Peru.

Work in the UN has a long history for the Mohawks. As far back as 1923, a Mohawk chief addressed the League of Nations to tell about the Canadian government's violation of the treaty and to emphasise that the Mohawks were still an independent people. **Kenneth Deer** from the Kahnawake community, near Montreal, is one of the Mohawks who is continuing that tradition today.

We have always called ourselves a nation. But the awareness has grown since the 1960's when the government tried to terminate our rights. In 1969 Canada tabled a document called the White Paper, which said that they would phase out the Department of Indians Affairs and Northern Development within ten years. When it was realized that the legislation would directly affect our lives we became far more politicised in a general sense. Instead of just being isolated, staying among ourselves, we had

to get involved in the larger political climate. It raised the consciousness of our own people. That sparked a revival and the whole idea that we are a nation.

Deer has participated at the WGIP meetings since 1987 and says the Mohawks come with no illusions. They are well aware that the UN structure is not their own, and that quite a struggle is required. Deer says:

What we want to do here is to earn people's respect, not their contempt. We know the work is a long-term process which will not happen over night. But we are here to promote our right to self-determination, and to do it in a very dignified way. And we feel that in the long-run, we will earn that respect.

However, Deer is appalled by the position the Canadian government presented during this year's meeting, where they stated they were opposed to the use of the two central concepts of the declaration text, i.e. »peoples« and »self-determination«.

According to this statement, the Canadian government says that self-determination is unacceptable, and that the term »people« is unacceptable.
That is an absolutely outrageous statement by a government. It is unbelievable that such a wealthy and civilized, democratic country can come up with such a statement. We have very strong moral, and very strong legal rights to self-determination.

Deer talks about the history of the Mohawk Nation, and how it has been able to maintain itself as such in spite of the ongoing attempts to disintegrate its cohesion and strength.

The reason why we have survived the last 500 years is because we are very fiercely nationalistic. We are this way because we have a long tradition of statehood. Before European contact we had a constitution, the Great Law of Peace. It outlines the responsibilities of the government, how the government is structured, how chiefs are chosen, the duties of the men, the duties of women. It talks about our spiritual cycle, it talks about our social responsibilities. It's all accomplished, it's all holistically involved in this law. This constitution has enabled us to become very, very powerful, very organized. There was an alliance, what we call the Haudenoshaunee, in English the Six Nations Confederacy. In French it was called the Iroqois. This confederacy is a very strong political unit which helped stop the expansion of the Europeans for two hundred years. This alliance and this law is a very important part of statehood. We feel that we have this constitution, we have a definable land base, a population, a language and a culture. We have the ability to make laws, the ability to enforce laws and we have the ability to make agreements with other nations – we call them treaties. So these are all the components of a nation, and we have never given up this ability.
Therefore we still consider ourselves a nation today. We feel very secure with these things, and therefore the Canadian and the American governments have not been able to assimilate us, they have not been able to destroy us. They could not destroy us militarily, and they could not destroy us, our culture, through the educational system, or through their government and political structures. However, they come close, and much, much damage has been done.

Kenneth Deer: Photo: Eva Dandanell.

IWGIA : *What are the essential elements of the Mohawk identity? Do you talk about that among yourselves?*

Oh yes, we talk about that among ourselves, and we teach it to our children. You have to pass knowledge on from one generation to the next, and that's how we do things. Our songs, our language and our culture have to be passed on. This was severely reduced at one time, due to government programs, and the Christian religion, but they failed to destroy us and now our traditions are coming back very strong... I think the important elements of our identity are our strong sense of history, a sense of balance between us, and the spiritual and social responsibilities. I think these are important elements which make you strong and make you survive. We have been able to keep our language and our culture and our strong sense of identity. I attribute that to our strong sense of nationality, our strong sense of who we are, and the fact that we not are going to give that up.

Deer says that one of the main issues is to control education. The Canadian government controlled the Mohawk education before, but twenty years ago they were able to take control of it again, and thereby put their language and their culture into the school system. He also talks about how the governments have tried to stop the development of the Mohawk constitution during the last century.
Canadian Government Legislation, band councils, elected systems and puppet governments, he says, have all contributed to slowing down the continual application and adaptation of the constitution which is needed if it is to be relevant for today's society. However, they still can use much of the constitution, and the new laws are written to be added to it in the future. Originally transmitted through the oral tradition, in the late 1800s it was partly written down, and it is now taught through both these complementing forms. Deer says:

We regard all our traditions as compatible with today's life. We want to keep everything. But culture is not stagnant, something which never changes.
Culture is how we survive. And adjusting and changing is part of survival. So I think that our culture today might be slightly different from our culture of the past, but it is culture nonetheless. And I don't think we should think of it any less than any other culture.

The Blackfoot Federation has also a long experience of dealing with North American state governments. Separated by the US – Canadian border, the Federation is still able to maintain a close relation-

ship between its four nations. **Floyd Heavyrunner** came to the United Nations as a representative of the Southern Pikuni Nation in the Blackfoot Federation, whose territory is in the state of Montana in the US. His nation has a treaty with the US government which has been ratified by Congress, and he has come to the UN to assure that their working relationship of nation to nation is still respected.

Heavyrunner is chief of Brave Dogs, the oldest religious warrior society of the Blackfoot nation. The society is responsible for the protection of the tribe and the protection of their culture, and for other social events in the nation. Heavyrunner states:

My job is to defend our nation, our language. Through the years of the changing times, we are still able to maintain our ancient foundations. These ancient foundations are one of the reasons that we are still here today – our religion, our way of life, and our concern for the tomorrow people. We have to secure the life that's going to be here for the tomorrow people.

Heavyrunner relates the ongoing struggle of the Blackfoot nations with their history of managing the effects of colonization.

The question of survival for our people goes back many years to when the white man first came to our country, in the early 1800s. We were first visited by the Jesuits. It was very interesting times, because we were so unaware of these people, who they were, and the effects they would have on our people into the future.

These effects were devastating for the Blackfoot. Heavyrunner tell about epidemics of smallpox which almost wiped them out, about massacres by the cavalry of women and children, and about starvation when the buffalos where slaughtered by the white hunters. Gradually the Blackfoot chiefs had to trade off land for food from the US government provisions. At the beginning of the 1900s, they were faced with the established missions, which were designated by the governments to educate them, and the various US laws to regulate their nation's political structure.

Through all this we had to survive. Somehow we had to manoeuvrer to avoid being completely wiped out by the Western society... But through all of this time, even though we were oppressed by the Christians, we still maintained our language. Our religion went underground. It wasn't until 1978, through the Religious Freedom Act, that our religion could come and surface. Before that, it was against the law for us to practice some parts of our religion in the United States.

The Blackfoot were able to adapt to the changing times and still maintain their roots by incorporating invented solutions suited to the forced changes, Heavyrunner explains. One example is the buffalo tongue, which is so important in many ceremonies, for example in the Sun Dance, and which was substituted with the tongue of cattle, This strategy enabled them to maintain the important parts of their culture: their ceremonies, their religion, and their education of the new generations. Their teaching also includes documentation of all the changes the Blackfoot have gone through so that their history will not be forgotten.

Our tribe has put much attention to preserving our language, and preserving our way of life. We still have vast areas of open country that we could go to provide us with what we need to practice our religion. Today we have one last stronghold that is pristine, the water burial area. The ancestors still exist there. This is very important for medicine. So we have to hang on to this last cultural stronghold so we could cure ourselves, we could restore our souls, we could maintain our religion, and continue into the future. So that's my job today to make sure we have to realize and accept the fact that today is what it is today. We have to meet every challenge. We have to meet it with strength. And the strength that we have comes from the ancient times, from the stone age.

Today, the prime challenge is to find a balance between the need of the nation for economic development, and the need to maintain their way of life.

Today, we need money. There is no doubt about that. So we have to consider economic development. At the same time we can't destroy any of our culture, we can't destroy any of our eco-systems. We can't do any of that. We have to manoeuvre through that situation, to where we could best look out for people. It's a very hard decision.

Floyd Heavyrunner. Photo: Eva Dandanell.

Heavyrunner explains that there have been big controversies in his nation over the oil and gas exploitation, since the 1950s exploited by companies like Chevron and American Petrofina. There is also coal, which has not yet been mined. Today, the more Western oriented business council of the nation has agreed with the traditional authorities that the Blackfoot traditions not just are a thing of the past, but also

something which must be taken into consideration when the future economic plans are made for the communities. To Heavyrunner, it is important to find economic resources which are not detrimental to the Blackfoot environment, so as not to endanger the future life of the Blackfoot. One possibility Heavyrunner sees is to take advantage of the great water rights they possess, for example to sell clean, bottled drinking water. Another is to develop international trade with arts and crafts.

The trade project is one of the issues Heavyrunner hopes to address during his stay in Europe. He is the only Blackfoot present at the UN session, and he feels a big responsibility so as not to misrepresent the people of the other Blackfoot nations. When he was young, he was told that one day he would sit among many nations, and he sees that this has come true. However, he finds the heart beat of all the indigenous peoples represented still to be off-beat, and he says he would like to see it regulated. Heavyrunner says that the indigenous peoples, in spite of their great differences, need to commit themselves to a single arrangement, in order to challenge the control still in the hands of the state governments.

The Maya peoples of Guatemala can boast of one of the longest experiences of resisting European colonization. With the long line of brutal dictatorships or semi-militarized governments during the latter part of this century, these peoples have also been subject to one of the hardest histories of suppression. Maria del Rosario Toj is representing the international section of Comité de Unidad Campesina CUC, of Guatemala, and is herself Quiché.

In María del Rosario's opinion, the resistance of her people, in facing the many oppressive measures taken by the governments, is carried out through daily activities in the communities and in the homes. It is there that the language is spoken, and it is there the values are being taught to the new generations.

In our communities, we never have sat down to study or discuss issues like »look, this is our tradition, this is our language«. We have maintained our culture not so much due to a conscious effort as to our daily practice. The language and our traditional clothes are maintained by this daily practice.
However, there is a moment in our personal lives, in our community or other type of organizations, when we find it necessary to become conscious about who we are.
Because, what happens? What is the alternative life offered to the indigenous person by all the commercial and popular pressure? None! Because everything, everything is bought.
If you have to give up your language, your traditional dress, your community, your roots, it is not because they will give you another, better culture, other better roots, other better dresses, a better language, a better vision of life. No, because that which is on the other side is all based on money. Everything is bought. Therefore it is no alternative.

However, Rosario emphasizes that this does not mean they want to continue to live in poverty. On the contrary part of the struggle of her organisation is to improve the material aspects of their lives. She says one can still be a Quiché although one lives in a better house, or has a video, or even goes to university. They want to create the conditions so that also these living forms are accessible for a person within the framework of his culture. The right to maintain ones cultural identity is not enough, but will only lead to marginalisation. CUC's is struggling to define the ample rights of the indigenous peoples, and it is this kind of work they want to promote in the UN.

How do we understand the self-determination which is asked for here at the UN? If we are to verify the respect for human rights in indigenous communities, if we are to apply laws for indigenous peoples, then the instruments which verify that these laws are followed must be indigenous. If development projects have to be implemented, the instruments which apply them have to be indigenous. Because what is happening today? Laws for indigenous peoples are elaborated and issued by non-indigenous governments, and therefore will always be in the latter's favour. If they are to be made for indigenous people, why are they not the ones who elaborate them? That is paternalistic – our capabilities are underestimated! And they present another perspective of the world, since they do not live together with us. Thus, we want institutions and structures which handle our own problems. But in intimate relationship with other groups.

On her many trips to the UN and to Europe, Rosario is often confronted with a stereotype image of what it is to be »Indian«, and this was also the case this time. However, she says that it is worse when indigenous people also use this stereotype.
I get very disturbed when we ourselves promote the image of the indigenous peoples as something very poetic, very romantic, as something ideal. No! Rather as something natural which also has its sciences, and its knowledge like any other people, which has its values like any other people, like any other culture. We are different from the others and we want to remain different like any other people.

Rosario reacts to is when certain elements of the indigenous culture are lifted out of their context to represent the indigenous identity.

I think that there is a part which is folkloric. All peoples have folklore, but it is not the base of their culture. I'm referring to the dances, the dresses, the ceremonies. It's an element in our lives. And it's an element which has its determined moments, which has its determined practitioners. But its' not part of the entire people of Guatemala. It's only an element in our lives. Rather, it's the daily life which you can't see here, the daily life which can't be represented here, which makes us indigenous. We are not opposed to the folkloric part of our lives being presented, but it must not be seen as the centre of our lives. I think much of this problem comes from those American movies, and the Indian stereotype which is presented there. The result is that you one day meet an Indian who is not dressed traditionally, who wears shoes, and you will think he is not an Indian! But that is not how it is. These are external elements, but not what makes a person Indian.

Rosario adds that the traditions of the indigenous peoples, are not static like the stereotype, but they are continuously changing, while other traditions remain the same.

Many traditions remain because of their value, but also for the way people grab on to them. There are many things which have changed, and certainly changes also took place before the arrival of the Spaniards. Our peoples had a great civilization, and I'm certain that many things were also

changing in this time. But we remain indigenous. We remained Quiché, or Maya, speaking of our roots, although a development has taken place, although certain things changed in our thoughts, in our statements, in our traditions. However, we did not quit being what we are. There are always these roots that make you who you are, which make you different from the others.

The stereotype of how the indigenous person should be , not only limits our conception of what it is to be indigenous, and who is indigenous; it might also impede our ability to recognize who are the true indigenous leaders. Rosario says that one cannot judge by external traits, by whether the person has studied, or by whether he lives in the city or in his community.

There are no exact prototypes. It's he who is able and prepared to defend the demands of his community, and who has his roots there.
The community is the best judge on who is their true representative.

Also **Elias Kentehuari Bolívar** emphasizes the importance of the indigenous peoples being represented by authentic leaders. Kentehuari is Amarakaeri from the Madre de Dios region of the Amazon in Peru, and he is president of AIDEMAD, an organization for indigenous students from this region. Like Rosario, Kentehuari does not find the crucial factor to be whether the leader lives with his community or is educated and lives in the city. Rather, it is the issue of sharing experiences and common goals with the communities which defines the representativeness of the leader.

These false leaders are recognized by the way they act. We as indigenous peoples cannot go outside of ourselves, make a number out of it. These people are not from the grassroots, they are not chosen by the communities. They don't feel what we feel as indigenous peoples. What is right is to struggle, for the indigenous cause, by defining our problems and what we want. The true indigenous person comes with a clean consciousness to manifest the problems, to manifest the right of the indigenous people. This doesn't mean there are not moments when it's just and important to make manifestations of ones culture, in order to gain attention and strengthen the demands, and perhaps to win respect from the government authorities. But the intention must be to fight for ones people, and not to win personal prestige. In Peru we have had a lot of problems in this issue, with leaders who don't in fact represent their communities. It's a question of being observant, but it's not easy.

The Amarakaeri, along with many other peoples in the Amazon, have a markedly different colonial history from the majority of the indigenous peoples in the Americas.
Kentehuari says that his people lived as an autonomous people until the 1950s when the first missions were established in the area and the people were violently forced to form Christians congregations. Since the 1980s they have been faced with the threat of a massive invasion of mestizos, coming mainly for gold and timber. Kentehuari says that much game has been frightened away and the local diet has deteriorated greatly. Today these invaders are the principal problem for his people. In 1983 the peoples of the Madre de Dios formed an organization, FENAMAD, in order to confront the threatening invasion, among other things.

Elías Kentehuari Bolívar.
Photo: Eva Dandanell.

We are much better organized today then we used to be. Before we sometimes had conflicts with other indigenous communities. I think that we have more strength today since we are many communities united, a unity from which FENAMAD has been born.
However, although we are still strong, the situation is difficult. It seems like we still lack the sufficient strength, and we have no one to trust. We are attacked by both the state and the invaders, who really abuse us.

***IWGIA:** Is it difficult for the elders to know how to deal with this new situation?*

No, for the elders it's not difficult. The problem is with us young ones who sometimes don't know how to manifest the resistance. In my case, since I'm a student, the elders hope that I one day will come to really fight for the indigenous cause, for my community. But here I think they are mistaken. Even though I'm a student, I don't have the power to solve the problems. I can only offer some tools to do it.

Kentehuari says that many things are now changing in his community. He finds certain changes necessary, for example, it is important today to know how to read and write. However, he says, they must not lose their customs and their language.
Therefore they have started a project to record the old songs and legends for future generations.

Kentehuari argues that the identity of ones people is something you carry inside yourself, it is not something you wear like folklore. Some indigenous people, he says, give in to the discrimination they are confronted with in Peruvian society. They might lose their pride and give up their identity. However, he does not believe it is possible in reality to cut off ones roots and forget ones customs and language. They will still exist within you. Kentehauri who studies economics at university in the capital has learned how to defend himself. *You are what you are and caramba, I'm proud to be native. I think that I'm equal to others«.*

Kentehuari expects the future struggle to be long and difficult. The Peruvian government does not take the rights of the indigenous peoples in the country into consideration.

I thought, with much illusion, that I would be able to find a solution here in the United Nations. I thought it was something else, that it was a meeting for the defense of the native communities. But I see now this is not

the case. I'm not as content as I hoped to be. I see that, analyzing the situation, there are always obstacles to keep us marginalised. Regrettably the state and the laws put obstacles in our way. They don't pay us any attention and they don't acknowledge our rights.

This somewhat disillusioned perspective of the UN process is also shared by **Josefino Martinez Hernandez**, coordinator of *Comité de Solidaridad Triqui en el Area Metropolitana in the state of Oaxaca, Mexico*. The organization works mainly to support Triquis who have emigrated from their communities to urban areas of the state and who face problems with employers and the difficult life in the city.

It is the first time ever that a Triqui is present at the UN, and to Martinez this is an important event in the history of his people. Hereby, from their own experience, they have the possibility to influence the drafting of the declaration. However, Martinez realises that there are still many obstacles before the declaration is approved. He says that the indigenous peoples need to do a lot of work in order to promote its way through the various channels – the Sub-Commission, the Commission on Human Rights, and finally, the General Assembly. And yet if the Mexican government should ratify the declaration, this would still in itself not signify anything. Mexico is one of only four countries which so far have ratified the newly revised ILO-convention on indigenous rights, but so far it has not improved the rights of the indigenous people in Mexico.

What is needed, Martinez argues, is awareness among the indigenous peoples of the legal rights they already can demand. This knowledge is also lacking among those applying the laws. One of his organization's projects is to give legal assistance to Triquis who are unjustly detained. They are therefore aware that laws already in existence formulated to protect the right of indigenous persons in prison, are rarely implemented for their benefit. Martinez says that this is one of the main problems to be addressed:

My people and many others are not informed on these matters. If you don't know your legal rights, you cannot demand them. On the other hand, those who are responsible for the juridical affairs are also ignorant in these matters.

Therefore, we are not going to wait until the declaration is taken. With or without it, we are already going to start working. There are two fields of work which I can see today. First we are going to educate our people this will be our weapon. We are going out to the communities to work. There the issue is ignited, they will be more secure about how to continue. Second, but of prime importance, we will propose that all universities with a law faculty provide possibilities for students to specialize in customary law. ❑

IWGIA DOCUMENT 70 by Andrew Gray

Beetween the spice of life and the melting pot:
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»Other Americas«

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Mapuche community, Chile, 1978.

Mixe community, Oaxaca, Mexico. 1980.

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Otavalos' community, Ecuador. 1978.

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Mixe community, Oaxaca, Mexico, 1980.

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Ecuador: 500 Kilometers of Resistance

Amazon Indians March on Quito

By Peter G. Veilleux

Ecuador

We come to speak in the name of all lives of the jungle, especially for those which are disappearing.

They are the water spirits: the Yacurunas.
They are the jungle spirits: the Yacharunas.
They are the fertility spirits.
They are the sowing spirits.
They are the harvesting spirits.
They are the gods of abundance.
Allpamanda! Causaimanda!
Jatarishum!
(For land! For life! we all rise up!)

They were 10,000 strong when they marched through the poverty-stricken neighbourhoods of South Quito on April 23rd. Flowing through the city streets as the sun lit up the snow-capped volcanoes, Indian people from all over Ecuador became a human river led by 2,000 people from the Pastaza Province of the Ecuadorian Amazon. Wearing feathered plumes and toucan headdresses, carrying spears, they marched, followed by thousands of highland Indians in their characteristic ponchos. The early morning streets were lined with curious onlookers. Often, people pressed forward from the crowds to offer food, drink, money or just to shake the hands of the Amazonian marchers. The Indians poured into the cobble-stoned National Plaza in the Old City of Quito, creating a lake of brightly-coloured feathers and ponchos.

The marchers called on the government to legally recognize their territories, and reform the National Constitution to protect the different nationalities and cultures of Ecuador. The Indians demanded control over the largest remaining Amazon rainforest lands. Under very heavy military guard, the government of President Rodrigo Borja partially met their demands by officially recognizing over two and a half million of the almost five million acres of the lands they occupy. The government also called for a special session of Congress to review the Indians' demand for constitutional reform.

The Amazon march was coordinated by the Organization of Indigenous People of Pastaza (OPIP) as a response to nearly three years of fruitless dialogue between the government and the national Indian federations. The government refused to legalize the Indian territories while handing over the rights to exploit these Amazon lands to transnational oil, timber, mining and tourism industries.

The *Quichua, Shiwiar, Zaparo* and *Achuar* marchers were following in the footsteps of their ancestors. Ninety years ago, led by the legendary chief Palati, leaders of these groups marched from their communities in Pastaza to the capitol of Quito to meet with the government over the rights to the territory which they have occupied for millennia. The leaders returned to their communities with a title to all the lands of the Pastaza Province. This title to seven million acres was literally buried and legally forgotten when the chief died.

On April 23rd, President Borja warmly greeted and thanked the Indians for their courage and agreed to negotiate the first of their demands for the legalization of their traditional territories. Despite the warm welcome and promises, the peaceful marchers were met by massive contingent of police and military in riot gear and army tanks. Tito Merino, coordinator of the march, commented wryly that he did not realize that Ecuador was at war. Indian organizations formally denounced the military presence, »We... are alarmed that... we have been surveyed by military helicopters, spied upon and threatened by intelligence agents under the guise of protecting us... We wish to emphasize the peaceful nature with which we have conducted the march«.

One hundred of the Indian leaders were allowed to pass through the military blockade to present their demands to President Rodrigo Borja. Indian leaders, from Luis Macas (President of CONAIE, the National Indian Confederation of Ecuador) to a traditional midwife urged the President to legally recognize Indians' rights.

The negotiations with the Indian people of Pastaza reached a deadlock over the government's refusal to legalize Indian territory which falls within a 25 by 120 mile swath of land along the Peruvian border. The main force blocking the legalization of these lands is IERAC (the government branch responsible for agrarian reform and colonization).

IERAC claims that this border area is necessary for »national security« and has recently begun a campaign to colonize the region under a program known as »Lining Borders.« Having lost nearly half their territory to Peru this century, the Ecuadorian government is encouraging development along its borders to prevent any further incursions.

The Indians are not asking for areas al-

ready colonized, but only land which they currently use. Close to 35 percent of the Pastaza Indian communities are located within the border region slated for colonization. They are demanding that this security zone be reduced considerably.

On May 13th, the Borja administration formally handed over title to over one-half of the Indian-occupied lands. The Indians demand that all of their territory be legalized and that these lands be contiguous so as not to separate communities of the same indigenous nationality. Instead, the government is recognizing 19 separate blocks of land as the properties of individual communities.

The military charges that the Indians are attempting to divide the country by claiming their »nationhood«. CONAIE sharply disagrees. »In no way are we calling for the dissolution of the Ecuadorian State. We only want our country to legally recognize the fact that we Ecuadorians are made up of different nations and cultures«, stated the National Indian Confederation.

The Indians suspect that oil interests are at the root of the government's reluctance to formally recognize all of their territory. PetroEcuador, the powerful branch of the Ecuadorian government which oversees oil concessions to transnational companies, announced the day before the marchers arrived in Quito that the U.S. based oil company, ARCO, had discovered a huge reserve of oil partially within the territories being claimed by the marchers.

OPIP organized the march to prevent the ecological and cultural devastation which they witnessed to their North and their North and their South in the Ecuadorian Amazon. Due mostly to oil development, Ecuador has the highest deforestation rate of any South American country. Located in the head-waters of the Amazon, the province of Pastaza contains the largest remaining pristine rainforest in Ecuador.

Since Ecuador's began in the early 1970's, over twelve million acres of Amazon rainforest have been turned over to transnational oil corporations. Millions of gallons of oil and toxic waste by-products have been spilled or dumped into the rainforest, contaminating the soil, air and water. Oil development has resulted in deforestation, colonization, militarization, and brought prostitution, alcoholism, violence, poverty, malnutrition and disease to the Indian people.

500 kilometres of resistance.
Photo: Govanna Tazzi.

»They treat it (the Amazon) like a box full of resources,« says Tito Merino of the government's attitude toward the Amazon, »They turn it upside down and shake it out and leave nothing for those who live there«.

Along with their demands. OPIP presented a natural resource management plan in which they explain their traditional, nondestructive use of the forest »not only for short-term benefit, but for the benefit of the children of our grandchildren«.

The concept of indigenous territoriality is a fairly new one for Ecuador. The only lands currently recognized as Indian territories are those occupied by the *Huaorani* – also located in Pastaza – and the Awa on the Colombian border. These territories were legalized in the 1980's due to international pressure placed on the government. Over the last decade, environmental and human rights activists have become increasingly aware that territorial rights are necessary for the survival of indigenous people and the protection of rainforests.

OPIP now wants to extend these territories to include the rest of the Pastaza Indian lands. They claim that territorial rights are necessary in order to guarantee the survival of their cultures and their communities.

The Organization of Indigenous People of Pastaza is calling on the government to change Article 1 of the Constitution to read, »Ecuador is a plurinational, sovereign, independent, democratic and unified state which recognizes, protects and respects cultural diversity«.

Most South American countries have either reformed or are in the process of reforming their constitutions to recognize and protect the rights of indigenous people. However, the popular concept in Ecuador is still that Indian belong to the past, part of what is known as »folklore«. to be commercially exploited.

In an attempt to contrive a single and uniform cultural identity, the government has been actively promoting the »integration« and »civilization« of Indian people since Ecuador's independence in 1830. This strategy has led to the social, economic, and political exclusion or exploitation of Indian people who comprise 40-50% of the total population of Ecuador.

The marchers met in Puyo, the capitol of Pastaza, on April 10th, many of them having walked and canoed there from their communities 150 miles away on the Peruvian border. Men, women and children nervously set out from Puyo on the next day in the pouring rain, holding leaves and plastic over their heads to keep dry. When they entered a community, throngs of people met them, offering donations and support.

On their fourth day out, they were greeted by musicians and a fiesta in the Indian village of Salasaca. The community had built bamboo huts in the center of

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town for the marchers to rest. The »Salasacas« opened all public facilities to them and greeted them with speeches of solidarity.

Over one-half of the marchers' enormous needs for firewood, food, drink, blankets, clothing, shelter and medicine were met by donations from communities along their route. In a press release the Indians stated. »Our historic walk has definitively changed the relations between Indian people and the white/mestizo society: the demonstrations of solidarity with our objectives are a clear sign that it is possible for us to live side-by-side, respectful of unity within our diversity«.

Many of the marchers came down with severe colds and were treated by one of the doctors and/or shamans accompanying the march. The people of the Pastaza rainforest are accustomed to a very warm climate a near sea-level. During the march, they had to climb to altitudes of up to 14,000 feet where the nights were sometimes below freezing.

After three weeks of camping in a public park in Quito, the Indians returned to the Amazon. They gained the titles to little more than one-half of the lands they use and Congress called a special session for July to review the Indians' demand for constitutional reform. But their most important achievement was winning the hearts of the Ecuadorian people. Long thought of as »invisible savages«, the Amazonian Indians are now recognized as courageous and articulate people.

The year 1992 marks 500 years since Christopher Columbus began the process of colonization of Indian Lands. In reaction to the gala jubilee celebrations being planned by governments and corporate interests throughout the Americas and Europe, Indian people are commemorating 500 Years of Indian Resistance. Regarding the quincentennial, the Amazonian Indians are declaring, »Now is the time for de-colonization, the time to recognize our rich cultures and build a new Ecuador«.

❑

ANDREW GRAY

and after the gold rush...?

HUMAN RIGHTS AND
SELF-DEVELOPMENT
AMONG THE AMARAKAERI
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The Presence of the Mbyá in Uruguay

By Juana Olivero Sesini
of the AIDU (Indigenous Association of Uruguay)

Uruguay.

In America the indigenous inhabitants face a constant and tenacious fight to continue being a people in their own right, to continue being themselves, for the right to be Indians, in a resistance against all forms of colonial, political and economic oppression.

The *Guarani-Mbyá*, in the same way as their brother peoples, are fighting to protect the borders of their own ethnic frontiers, to preserve their territories. They see themselves powerless in the face of the advance of national societies and the systematic destruction of their forests, the plundering of and the eviction from their lands, the violation of their sacred places and therefore, the destruction that all this implies.

It is known that the land traditionally occupied by the indigenous people existed prior to the arrival of the Europeans, destiny giving them a special relationship with the land of their ancestors. Nowadays, they are subjected to the different ways of life of the western exploiters, they find themselves displaced and obliged to take up marginal ecosystems which are inadequate for the full development of their culture.

These communities do not view their territory in accordance with the traditional delimitations of the present borders of each community, but they consider the extensive territory from the Paraguayan jungle to the Atlantic coast as the land of their »grandparents« *Mbyá-Rekoa*, Mbyá country.

The enslavement that the Mbyá and other Indian peoples endured and are enduring, on the part of the dominant culture, has sparked off various processes which converge into a great problem, »the threat of its cultures«. Ethnocide – which destroys the cultural ways of expression, genocide – the Indians are physically decimated in different ways – and ecocide – which destroys their habitats, devastates the surroundings and hinders their full cultural development. These political factors, together with others which are no less complex, such as the socioeconomic and mythological factors, interact in favour of the migrant nature of the Guarani-Mbyá. In search of optimum conditions in which they can develop their ideal way of life.

They moved on in contingents of nuclear families and began arriving in the frontier areas of the Eastern Republic of Uruguay at the end of the 70's. The main family nucleus left Paraguay about two decades ago to settle in Misiones (Argentina), from there they moved to Brazil and finally entered Uruguay through Acegua, a frontier town on the Brazilian border. At the moment in our country, the Mbyá can be found in different areas; Montevideo, San Jose and Salto.

The fact that there are Guarani-Mbyá Indians living in our country is a significant event, for all that it implies (*).

Our Latin American nations have frequently ignored the indigenous cultures, denying them the right to a different culture, developing homogenisation policies. Blinded by hereditary pride of the conquerors, they have destroyed the material and spiritual culture of entire peoples.

Uruguay has prided itself, on many occasions, on being free of the »indigenous problem«, as if the disappearance of a culture did not represent a loss and an impoverishment, besides the cutting off from the Latin American problem. On the contrary, this reality has not been considered as a merit which allows us to be that which we are not: Europeans.

The presence of these indigenous nuclear families in our territory is significant not just because of the numbers of people involved or the different cultures they bring with them. It awakens peoples consciences and sets a challenge to assume a Latin American identity without exceptions.

The present geographical distribution of the Mbyá points to Paraguay (east), to Misiones (Argentina) and to the south of Brazil as the greatest concentration areas, and since the beginning of the 80's some nuclear families have been detected in Uruguay.

They have settled in various points of the country, preferably along the shores of the Uruguay River and the Rio de la Plata. In this way, they have been fluctuating in search of optimum conditions in; the natural mountains of the Guaviayu river, in the Filomena Grande Island opposite Nuevo Berlin, in Conchillas over the Miguelete river, in Real de San Carlos, in Playa La Colorada de Montevideo, in Paso Viejo over the Fray Bentos river amongst others.

The Mbyá are inhabitants of the mountains par excellence. Traditionally the ideal places for their habitat must have an abundance of game for hunting, fish, and must facilitate the picking of fruits and wild honey. They are also horticulturists, they cultivate corn, manioc, pumpkins, beans, melons, tobacco, peanuts, sugar cane and other lesser crops.

The social organisation of the group is based on the nuclear family. The religious factor is without doubt the most relevant one for social cohesion. Their systems of belief regulate their lives. It gives a sense of order to their actions, to their concept of the world. Religion holds a predominant

position in all spheres of Mbyá life. The religious leaders have great power and prestige in their communities.

Under the leadership of a chief with power to convene a meeting, various communities from the same zone join together, this is currently called *Tekoha Guazu*. This system is under serious threat from the atomization and dispersion of the communities, due to the pressure that the society around them is putting on their lands.

As that exposed in Uruguay is done away with, Tekoha Guazu do not exist, not even a Tekoha. When they inhabited the Filomena Grande Island there were five families reunited, but at no time did they come to recognise a leader, either political or religious.

If we observe what is happening in other places, like Paraguay for example, these Tekoha are made up of five to twenty families who are blood relations. Therefore, it is logical to think that they would not chose a leader in Uruguay, given that they are nuclear families coming from different places, and who are only just beginning to be related to each other because of the many marriages between their members.

As a result of the cultural change taking place in these communities, their having to abandon the ideal habitats and being obliged to occupy other far less satisfactory places for subsistence development, they are involved in other activities such as the production and sale of handicrafts and the carrying out of occasional salaried jobs. In Uruguay the sale of handicrafts is the highest source of income, and during a great part of the year it is the supporting activity of the community. The whole community works together on the handicrafts, from children over ten years old to the oldest members. The morphology is varied and differs from the traditional. The men and young boys are preferably in charge of the commercialisation of the handicrafts, they sell them at fairs, in squares or important commercial streets and, as a last resort, depending on the urgency of the monetary situation, in relatives businesses.

Another untraditional source of income comes from the young men of the community who give their services on farms, country houses and to agricultural firms. This type of work is usually seasonal, they do not receive contracts or any social benefits. This means that they are exposed to the unscrupulousness of some of the bosses.

In Uruguay they have found that the opportunities are not there to enable them to practice their traditional livelihoods such as crop cultivation, hunting, fishing and fruit picking. Their new way of live is too different from the ecosystems they were used to living in.

In the particular case of crop cultivation, they do not plant manioc along the shores of the Río de la Plata on account of the climate, on the other hand, it prospers in the north of the country. They plant potatoes instead. Hunting is very limited, as is fishing. As for fruit picking and harvesting, it is virtually nonexistent with the exception of some wild honey.

In synthesis, it could be said that the Mbyá's economic system is based on subsistence horticulture and their related activities, habitat permitting. Depending on the time of year, handicrafts and salaried work becomes relevant.

As for the sharing, it is characteristic that the lands, mountains and water are communally owned. And the individual or family ownership of the products achieved by their own effort, that is to say handicrafts, products of cultivation, fishing etc

Although all the economic activities, from the productive point of view as well as the redistribution, are submitted to the obligation of mutual help amongst blood relations and neighbours.

In brief, we have presented the main characteristics of the Mbyá presence in Uruguay, their arrival and their quality of life. Their presence has awoken attention and generated anxieties over a problem which we had been unaware of. The fact that it provokes controversies is an indicator of its importance.

The Indigenous Association of Uruguay (AIDU) arose in reply to the challenge of assuming an identity in Latin America that does not exclude ethnic aborigines, nor any ethnic group, in a country which historically exterminated the indigenous population.

(*)*When the conquerors arrived the indigenous inhabitants of what is today the Republic of Uruguay, found themselves decimated by long fights held with the invaders and by the illnesses that these brought with them. Later on they integrated the native armies into the fight for independence. Once this was achieved, there was no place for them in the new social structure, and they became a »scourge« for the noble society. During the course of the first presidency, they were exterminated. They were called together under a false pretext and, once assembled, they were murdered.*

El Pueblo de los Indios: Indiantown, Florida

By Allan F. Burns

In 1982 nine Guatemalan *Maya* refugees were captured by the Immigration and Naturalization Service in South Florida. When the INS found that they had no immigration papers, the nine people were put into Krome Detention Centre in Miami. Krome detention centre had become famous in the early 1980s as the place where Cubans from the Mariel migration and Haitian boat people had been housed. Conditions at the centre were especially bad, so when this first group of Guatemalan Maya were placed there, they had their first experience with the shock of U.S. institutional culture. These eight men and woman did not identify themselves through Spanish or English and so were identified as »eight John Doe's and one Jane Doe«. In this article we trace the changes in identity and community organization of the Maya refugees in Florida from the first moment of obscurity to a time ten years later when there are an estimated ten to twenty thousand Guatemalan Maya in Florida.

When the first nine *Q'anjobals* were finally released weeks after their apprehension, it was to an activist Catholic priest, Frank O'Loughlin, whose parish of Indiantown, Florida was the temporary home for many migrant workers (Santoli 1988). The name Indiantown was given to the settlement in the 19th century and refers to an old *Seminole* Indian encampment. These were the first people from San Miguel de Acatán in Huehuetengango to make Indiantown their home. By the 1990s there were four to five thousand Maya in Indiantown during the peak winter harvest season in the surroundings farms and citrus orchards. Although the Mayan community remains predominantly Q'anjobal, it is also home to speakers of other Mayan languages, including *Akatek, Jakaltek, Mam*, and *Quiché*. The town has become known throughout the human chain of refugees and other immigrants from the highlands of Guatemala as by the Spanish translation of the name, »El Pueblo de los Indios«. Our goal in this article is to show how the Maya have strategically adapted to the small agricultural community of Indiantown over a the first ten years of immigration to the United States. In addition, we are presenting the case of Indiantown in order to show how the crucial social experiences of Maya people in de community have resulted in an emerging Maya identity in Florida (Burns 1989). This identity is based on differing representations of refugees as well as the increasing numbers and increasing variety of people who continue to immigrate to Indiantown.

The name »Indiantown« is at once an irony to the Maya as it is a recognition of importance of the Maya diaspora in shaping a new identity. The irony of the translation of the name of the town comes from the term »Indio«. »Indio« in Guatemala Spanish is still a derogatory term, reflecting the lumping of the variety of Indigenous communities in Guatemala into one racial category. Such a simplification and reduction is especially offensive as it flies in the face of an overt cultural value placed on the distinctiveness of individual towns and communities in highland Guatemala. Craig (1977), among other linguists who have worked in the Cuchumatan homeland of the Maya of Florida, has commented on the inability of speakers of closely related languages such as Akatek to understand people from near-by languages or even admit to a linguistic commonality. This has led to the proliferation of recognized Maya languages, and can be seen as a source of division between Maya people. But it also reflects a positive cultural value, the value of expecting cultural differences in the world. Manning Nash describes this Maya world view:

The important axis of this worldview, in relation to persons and culture, is that Maya Indians see cultural differences as »natural«. Cultural variety is a fact of nature. Different customs are both characteristic and appropriate for different people.

Furthermore, these cultural differences all exist at the same level of human validity. They are not ranked. Differences are neither better or worse-just different. They are in the scheme of things, not to obliterated, overcome, or discarded (Nash 1988:108).

Andrés, an immigrant to Indiantown, explained this concept to me in terms of how U.S. citizens expect cultural assimilation from immigrants.

»Why is it that Americans want us to be absorbed and become like them. We don't ask them to become like us; we don't ask them to wear clothes like us. They are supposed to be different from us, and we are supposed to be different from them as well.«

By the accident of history and geography, the town of Indiantown, »El Pueblo de los Indios«, is the home of to an increasing number of the Maya. The separate identities of different aldeas and municipalities from Guatemala are being submerged under the creation of this new identity as Maya Indians in a North American context.

Legal and Social Status: Refugees, Immigrants, and Migrant Workers

The estimated ten to twenty thousands Maya who have come from Guatemala to Florida over the past ten years are refugees from political, civil, and interpersonal violence in the region. The term refugee itself is highly charged, especially as the number of refugees throughout the world continues to rise at an alarming rate (Zetter 11988). One common distinction made is on criteria from the United Nations Geneva Accords, where someone escaping a well founded fear of persecution is defined as a political refugee, and someone escaping the economic or social disintegration of their country is an economic refugee. Governments throughout the world are quick to adopt this distinction, as it allows for tight control of immigration and denial of legal immigrant status to those people who are determined to be »economic migrants«. Although commonly accepted in governmental circles, the experience of the Guatemala Maya in leaving their homeland and travelling through Mexico and the United States suggests that the term needs a reevaluation. We will use the term »refugee« in a broad sense in this paper because it is important to recognize that there are degrees of »political persecution«, and that someone who is officially designated as an »economic migrant«, or »illegal alien«, can often have their status changed to »political asylum refugee« by the good fortune of finding a good attorney or by events outside of their own control, such as the »American Baptist Churches« or »ABC« Supreme court decision of 1990, as it is generally known. The decision, based on a case filed by several church groups collaborating with the American Baptist Churches, successfully argued that political asylum decisions for central Americans had not been based on the merits of each case but rather U.S. foreign policy during the 1980s. The decision in favour of the case brought by churches reopened political asylum applications that had been turned down over the past ten years.

The Community of Indiantown

The people of Indiantown are not looking for more refugees.

Indiantown is a small agricultural community that does not receive any special support for the burden of a new population of refugees, and the community has been hard pressed to provide for the health, educational, social and emotional needs of the increasing number of Maya people who settle there. Indeed, residents of Indiantown never imagined that their town would become the destination of so many people from Guatemala. But the availability of agricultural labour, the small town atmosphere, and the hospitality offered by the Catholic Church put Indiantown into the migration network of the Maya diaspora. Indiantown is located inland from the Southeast coast of Florida. Its location is at the crossroads of several labour markets. The land immediately around Indiantown includes thousands of acres of rich citrus groves, and at one time was the major lemon producing area in the United States.The town is at the southern end of the large Florida cattle lands, and borders on the immense winter vegetable fields of Southern Florida.

Agriculture is only one important part of the attraction of Indiantown for people looking to survive in the U.S labour market, though. The community is on the edge of the construction boom area of coastal Florida as well.

Professional golf courses communities and ever increasing spread of planned communities of the coast have a need for many unskilled labourers. Day labour, constructions jobs, and industries that support construction are all areas where the Maya can seek employment in the Indiantown area. It would be a mistake, however, to view the area as an economic mecca where good jobs abound. Much of the work that the Maya find is temporary, seasonal, and often without benefits. Temporary unemployment and underemployment is very high, and the seasonality of the agricultural work puts many of the Maya into the migrant stream, so that Indiantown is but one in a series of small towns where agricultural labourers live during the year.

The town is unincorporated, and in fact is made up of several settlements in close proximity to one another, such as »Brooker Park«, »Indianawood« and »Indiantown« proper. Indiantown proper is cen-

tred on the one traffic light of the community, and contains houses of the middle class, the public schools, and the post office. A retirement community of manufactured homes, »Indianawood«, was developed in the 1980s. It offers a golf course and a chance for retires to settle in Southern Florida at a fraction of the cost of coastal areas. »Booker Park« is the poor part of town, home to the majority of the African American, Hispanic, and Maya people who had been attracted to the availability of farm work in the area.

The Indiantown area has a mixed economy with permanent population of 5,000 people. The major employers are agricultural activities and services, health and social services, schools and a nearby helicopter factory.

Indiantown is also at the edge of the Lake Okachobee, and so at time hosts sportsmen who come to hunt and fish in the area. The anglo community of Indiantown is diverse like many small U.S. towns. Differences in economic status, religion, age, and occupation make Indiantown a complicated social arena. The town proudly boasts of a group of civic and social minded people who have formed a permanent core of a »helping community«. This includes volunteer emergency medical personnel who run the ambulance service, volunteer teachers and aides in the schools, and families who take it upon themselves to teach English as well as to make personal efforts to incorporate the Maya refugees into the social structure of the community. This core group is augmented by the presence of social workers and social service volunteers, an order of Catholic nuns and lay teachers who run school for migrant labour children, legal assistance lawyers and aids, hospital and clinic workers, as well as journalists, students and union organizers. This part of the »helping community« makes the community their home for months and often years at the time. Because Indiantown is relatively small, this group of people is more visible and more influential than they might be in a city or larger community.

Not all people in the community are as hospitable to the Maya as this »helping community« nor is there uniformity among this diverse group in terms of goals, methods, or knowledge about refugees (Dorman 1986).

Still, the »helping community« is a new social sector in the lives of Maya immigrants, one that is significant in both their adaptation and their identity in Florida.

Q'unjobal Maya couple in Indiantown.
Photo: Paula Horvath-Neimeyer.

Once in Indiantown, the Maya have also had to adapt to a multi-ethnic migrant worker community as well. In Guatemala distinctions between different aldeas or towns were important in the department of Huehuetenango, as were distinctions between Maya and *Ladinos* (Nash 1988). Even when the Maya went to the coastal plantation of Guatemala to do seasonal work, they tended to stay with friends and townspeople from their own language and community groups, and so had little experience with the multiracial and multiethnic diversity of a U.S. small town. In the years since late 1982 when the Maya began arriving in Indiantown, their social world has widened to include groups found in U.S. migrant work: African Americans, Whites, Haitians as well as people from the Caribbean, Mexicans and Mexicans Americans, as well as other Central Americans.

Like many small towns in the United States, low-paid work such as that found on farms and in citrus groves has attracted a multiethnic work force.

Over time, different groups gravitate towards different employment sectors. In Indiantown, this has meant a tendency for Mexicans and Mexican Americans to work in the citrus industry, African Americans tend to work in construction or the pre-grown lawn industry of the area. The Maya began working in the citrus industry, but many quickly moved into vegetable farm labour, the nursery industry, and unskilled construction. Guatemalan Maya men had success in the golf course construction industry. Their careful attention to the delicate grasses and layout of golf courses and their willingness to work long and hard made them sought after employees.

Housing

The influx of Guatemalan Maya to the community has brought about tremendous strains in the social fabric of Indiantown. First among these strains was a strain on housing. As a town which was used to migrant workers living in the outskirts during the citrus and winter vegetable harvests, temporary housing in apartment buildings, farm worker »camps«, and in rented rooms had long been a pattern in Indiantown. But the Guatemalan Maya presented a different problem than the predictable seasonal migrants who came to the community before 1980s. The Guatemalans were substantially poorer than previous immigrants, spoke languages unrecognizable in the community, and so filled any available housing to the limit. In a study we carried out for the U.S. Labour department, we found that the average household size among Guatemalan Mayas of Indiantown was 12 people, with many

houses having over twenty people in them. Mexican and Mexican Americans, on the other hand, averaged only five people per household. The pressure on housing in the community is phenomenal. Anglo residents complain about a decline in housing values because of the immigrants. Several mentioned the overload of the town's sewage system. Even the tendency of the Maya to walk rather than ride in Florida sets the Maya apart from long term residents. The image of groups of five or six Maya walking down the main highway in the community presents an image that is new to the town. One resident said that »the town is becoming »Guatemala town – it's no longer Indiantown.«

Housing costs are high as well. Rents of three to four hundred dollars are common for unfurnished, two room apartments with a »surcharge« of $25 per person per week over five. Those who can not afford to live under these conditions can get shelter in abandoned cars and buses that are on properties where owners charge $25 a week. A few immigrant Maya have been able to purchase their own modest homes in the community. However there are extremely strong pressures on anyone who owns or even rents a house to take in boarders. Relatives, friends, and those who arrive in Indiantown homeless all seek out people who live in houses and ask for temporary shelter.

Housing is such a critical and visible need for the Guatemalan Maya of Indiantown that it overshadows many other issues. The community has been able to develop low income housing for farmworkers through a non-profit housing authority and interest from Habitat for Humanity. But there is a continuing arrival of people either returning to the area each winter or immigrating there for the first time which floods all available housing.

Interethnic Relations

Interethnic relations in Indiantown are problematic. While individual friendship and relationships between the Maya and their neighbours happen, to a large extent the barriers of language, national custom, suspicion, and violence keep intheretnic associations from developing. The Maya are specially subject to personal violence in Indiantown. They are often targeted for robberies and assaults because of their small stature and the fact that they are known not to be armed. One paralegal worker I interviewed noted that when he talks to the Guatemalans in Indiantown about guns, they regularly look at him in horror.

Interethnic relations in the community are not especially improved through work. Work is often of as the place where the »melting pot« ideal of U.S. society operates best. The common experience of labour, the structure of industrial relations, and the camaraderie developed on the job are all important ideas of how work contexts function to assimilate people of different backgrounds. But in Indiantown, there is a strong motive to seek work and other help from people who speak the same language in the community. Only occasionally is cross-language communication necessary.

The extreme physical demands of the jobs that immigrant should preclude much talk. For example, one Haitian man recounted that a Spanish speaker was hired to work on his crew in a landscaping business. The Haitian tried to learn several phrases in Spanish related to the work. After a few weeks however, he stopped trying. When asked if he had formed a friendship with him, he said he had not, because there was so little time to talk while working. Even a time such as lunch breaks were not used for socialization,because, as he noted, »it is a time for eating, not for talking.«

Changes and Conflict in the Community

We find ourselves hesitant to provide for you a description of Indiantown in the same way that anthropologists and historians have described small communities in the past. The Maya diaspora to Indiantown has been a process that has yearly and cumulative changes, so that what might be true one year is often radically changed the next. Yearly changes in the agricultural work availability in Florida due to freezes or changes in the international market has resulted in a movement of the Maya into more settled work such as nursery and landscaping jobs. The problems of crime, housing, and increasing sophistication have also influenced many Maya to leave the community for other parts of Florida. For example, from 1982 through 1985 Indiantown was centre of Maya settlement in Florida. Since 1985, however, thousands of Maya have moved to other communities, often staying in small groups of one or two families rather than congregate in a single town.

There are probably over 20,000 Guatemalans in Florida today (Palm Beach Post, Dec.21, 1988.) This means that Indiantown is home to only a quarter of the refugees.

The changes in the community go beyond population shifts. The demographic profile of the community has changed dramatically since 1985 when more single men began to arrive without families. Family migration to Indiantown was a characteristic of the first wave of Maya refugees, but as emigration from Guatemala has become more difficult and as Mexico has become increasable quick to capture and deport Guatemalan who attempt to journey through the country without papers (U.S. Committee for Refugees, 1991), it is predominantly young single men who can now make the trip. The results of Mexico's interdiction of Central Americans is the limiting of the age cohort of immigrants, a limiting of the absolute number of Guatemalan and Central Americans entering the U.S, and the increase in Mexican illegal entrants.

The Guatemalan community of Indiantown has also changed because of the increasing complexity of the immigrants. As mentioned at the start of this paper, the Q'anjobal from San Miguel de Acatán are the predominant group in the community, but landinos, other Maya, and other Central American immigrants are now common in the town. Refugees from the early 80s are now complaining that the new immigrants don't have the same reasons for immigrants as they did. The »american Baptist Church« ruling on reopening political asylum cases (Dec.,1990) will result in a surge of several thousand cases where refugee status must be documented. Conflicts have now had time to emerge in Indiantown which often had their basis in events of Guatemala.

Accusations as to people being affiliated with different guerilla insurgency groups are made, as are accusations of people collaborating with the Guatemalan army. The identity of people in the town as »Maya« or »Guatemalan« has become an issue of great conflict, as has identity as »Q'anjobal«, »Mam«, or »Quiche«. Church affiliation, evangelical, catholic, or costumbre, is yet another area of contention that has begun to arise more and more in the community. Finally, and perhaps most perniciously, envy and denunciations

of Maya people who work in social service roles in the community such as in the health clinics or non-profit organizations are now common. Like the refugee camps in Campeche and Quintana Roo, those individuals who take on leadership positions are especially subject to tremendous community »envidia«.

Institutional Culture Shock

The difficulties of adapting to life in Indiantown go beyond the real of interpersonal relationships. As the community evolves, more and more refugees come in contact with institutional culture shock in the offices of government bureaucracies. Police, the courts, and the INS (Immigration and Naturalization Service) are obvious arenas where the Maya confront new problems, but experience in Guatemala with similar institutions at least makes these comprehendible. But other institutions, such as state health programs, present new problems. Mayan young people, especially, are in a time of turmoil in Indiantown. The birth rate among teenage women is very high, and child spacing is very short. Many of the Maya have now grown up in the United States since they were young children, and so the gulf between their experiences and those of their parents is great. While many health workers assume that there is a tradition of health knowledge that young mothers bring to their lives in the United States, many of these women have spent the majority of their lives in the culture of communities like Indiantown and have not live in Guatemalan Maya communities. Their acculturation and that of their husbands and boyfriends are toward the underclass poverty of agricultural and construction work. In a recent case that we were involved in another community of Florida, for example, a 15 year old unwed Maya mother had her child taken away from her by the state because she was a migrant worker who, according to nurses in the hospital, »failed to bond« with her infant.

Faced with a court hearing, the young woman quietly answered »no« when asked if she wanted her baby, and »yes« when she was asked if she wanted to return to Guatemala. Her limited Spanish and the fact that she was an undocumented immigrant suggest that she was responding to the court as if it were a deportation hearing, not a child custody hearing. By saying she did not want her own baby and also saying that she wanted to return to Guatemala, she was effectively saving the child from her expected fate if she was deported. Several months later, with the confidence gained from talking with child welfare advocates and Camposeco, she petitioned to have her child returned to her. Eventually the child was returned, but only after it had spent the first year of its life away from his mother.

Collaborative Research in Indiantown

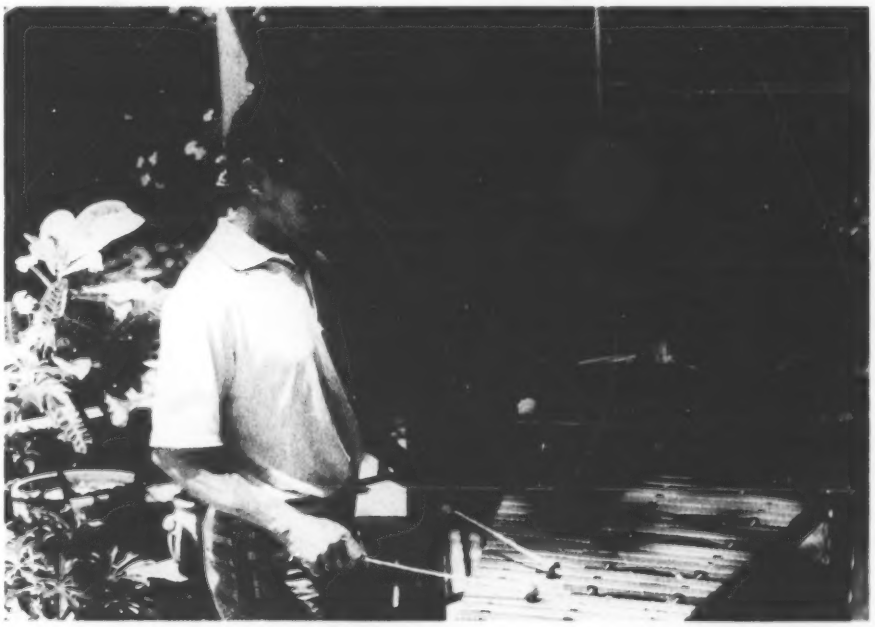
In 1983 Camposeco and Burns met through a mutual friend. Burns was teaching at the University of Florida on applied anthropology and the Maya, and Camposeco had been one of the very few *Jakaltek* Maya to receive political asylum in the United States. Camposeco had been trained in anthropology and education in Guatemala, and so stood in the unique position of a culture broker and spokesman for the new Maya arriving in Florida.

Unlike so many others, his position was safe, he could not be deported or subject to harassment here in the United States for speaking out on the situation in Guatemala. In addition, his contacts with Native Americans, especially the Native American Law Centre provided a means by which he could assist Maya immigrants with asylum and immigration issues.

In 1984 we began a program of applied anthropology in Indiantown, using a network of students and other colleagues at the University of Florida, social service offices such as the Catholic Church's EL Centro in Indiantown, and institutions concerned with immigration, asylum, and social justice issues.

Over the years since our first meeting, we have developed a program of community organization and action; primary research on questions of employment, health, and education; the creation of public television video documentaries on the community; and programs of cultural expression through marimba performances at museums and universities. Not all of these activities have met with equal success, neither have we been the prime movers in all of them. And it would be wrong to see our activities as the only projects in Indiantown. Many other people have developed very useful social programs with the Maya of the community. Still, with the changing nature of the Maya community in Indiantown, our own work has contributed to both the legitimacy and adaptation of Maya people there. We will mention a couple of the collaborative activities we have been engaged in as examples of this work.

One is the non-profit community organization, Corn-Maya. Corn-Maya was instigated by Camposeco and anthropologist Shelton Davis in 1982 as a means to give Maya immigrants a voice in the United



Iacaltec and Totomicapan Marimba players performing for the Fiesta de San Miguel Ocatán in Indiantown. Photo: Allan Burns

States. In 1983 Camposeco travelled to Los Angeles and helped organize a sister association there, Ixim. The Corn-Maya association in Indiantown was at first under the auspices of the Catholic Church, but as founding became available for political asylum and social service help through the World Lutheran council, Corn-Maya was developed into a completely independent organization. It took several years to gain expertise enough to file for non-profit and tax exempt status, but experience of doing so gave participants in the organization skills in dealing with U.S. bureaucracies and governmental agencies. As a result, subsequent leaders of Corn-Maya have had the confidence to approach county commissions, zoning boards, and other associations in the community to seek help. The association has also come under criticism by some Guatemalan and Maya immigrants because it is so closely tied to the activities of Burns and Camposeco. For example, one of the criticism of the organization was that it contained the word »Maya«, and thus did not represent the newer immigrants to the community who were from Guatemala but were not indigenous Maya. Now in the 1990s, there are other organizations forming in the community both in contrast to Corn-Maya and yet based on the experience of the association.

A second set of collaborative activities has been creation of several video productions in the community. Early in our friendship we decided that it would be important to have a half hour video program about the Maya who had come to Indiantown to take some pressure off Camposeco and others who were regularly asked to speak at churches and other groups in the state about the reasons why Guatemalan Maya people were coming to Florida.

Camposeco had an extensive slide collection from his years as a teacher and researcher in Guatemala, and these images were excellent ways to present the case of the refugees to the American public. Burns enlisted the help of a professional film team from the public television station in Gainesville and together we made the first of several programs. Maya in Exile, was shown on PBS stations in Florida as well as sold to schools and anthropology departments. All proceeds from sales and rental of the program went to Corn-Maya. All told, however, the program los money. Sales and rentals were few, and were never enough to recoup the costs of renting equipment and paying a professional film team to make a program. But the program was well received, and we decided to make a second program a few years later.

This second program focused on the San Miguel fiesta that was now held in Indiantown both as a remembrance of San Miguel Acatán in Guatemala and as a public event for both the Maya an non-Maya of the new home community of Indiantown. Several years later we were asked by March of Dimes and the corporation and the Presbyterian Women's Ministry to make a video for Maya women on prenatal care and nutrition. We did so, focusing on the changes in foods, housing, and institutions that young mothers face in the United States. While these videos had the least appeal as a general documentaries, they had the greatest distribution. Interest in immigrant women's health care was widespread throughout the United States, and the videos were distributed by the funding institutions through clinics in many states.

Like the more documentary programs, the two health videos depended on the help of experts who were willing to work with the community for little or no support. The health videos were produced by Randi Cameon, a physician's assistant with an advanced degree in public health, and Maria Rocha, a graduate student in anthropology. In Indiantown, the demands on local people as volunteers in social service programs often led to exhaustion or »burn out«. Fortunately the University of Florida was a large enough context so that highly motivated people could bring their expertise to projects such as these for reasonably short periods of time and avoid the weariness that their counterparts in Indiantown felt.

Conclusions

The situation in Indiantown is much more complex than other refugee communities that are officially designated by government or United Nations agencies of the world. Indiantown is town where refugees chose to move to and not a place where they were involuntary resettled. In the ten years since the Maya have began immigrating to the community, the community has adapted to them and at the same time the characteristics of the immigrants has changed. Indiantown is now one of many places in the Maya diaspora through which Guatemalan Maya people move on seasonal and episodic cycles.

As the communities like Indiantown become linked through networks of kinship, work, the hospitality of local residents, and the presence of scholars, the Maya of the United States take on some characteristics of other Native Americans. Perhaps this thought is better put by Jeronimo Camposeco:

»On one of my trips to an Indian nation in the north of New York state, I met the mother and the sister of my Indian Mohawk friend, Kay Yuta Clouds, with whom I worked in Guatemala on a project for organic Agriculture and in a school of Maya culture, science and philosophy for the Maya Cakchiqueles brothers of Poaquil, Chimaltenango. One day in October 1980, after his lectures, Kay went to the marketplace to buy his dinner. As he returned and passed in front of the Chimaltenango Park, six heavily armed men approached him all of a sudden, seized him, beat him and violently put him an a car, setting off in an unknown direction, in front of many witnesses and the national police who did nothing to stop them. Days later, his body appeared, brutally beaten, with signs of torture, deserted on the street of old Guatemala. The face of Kay's mother reflected deep suffering. Despite that, she smiled at me, embraced me and cheer me up, giving me strength to fight and denounce injustices and their true causes, in the name of her son who sacrificed his valuable life for the Maya cause.

In February 1983 the Mohawk chiefs and the editors of the Indian newspaper Akwesasne Notes phoned me urgently, asking me to accompany the to Florida to assist the lawyers of »Florida Rural Legal Services« and »American Friends Service Committee« who were defending some Kanjobales from San Miguel Acatán, under arrest in the INS prisons in Krome near Miami. First of all we went to Indiantown to which the first Maya refugees arrived, maybe because the Catholic priest Frank O'Loughlin was protecting the refugees and the immigrants who arrived in Florida without documents. The priest started an efficient campaign of educating the farmers on their rights as human beings, before any type of aggression from the INS border patrol or the Migration authorities. The following slogan: »Don't say anything, don't sign anything, call the

lawyer«, was successfully put into practice by the arrested Kanjobales, and saved them from being deported to Guatemala. On the other hand those who were arrested decided not to speak the little Spanish they knew, but only their mother tongue, Kanjobal, a strategy which distressed the immigration authorities, whose intention to deport them failed. This was the reason for my presence, because the lawyers wanted to put a good case forward to the Immigration judge in favour of the Kanjobales, and I speak the language, am familiar with the culture and in those days I was one of very few Guatemalans who had been successfully granted political asylum. My experience and the valuable arguments I had used in my case, would help the lawyers to fight for these Mayan brothers. That way, I did not only help drafting the case and act as interpreter, but also appeared as »expert witness« in the audience with the judge. Further, support came from the church, the North-American Indians, the scholars and others.

The situation in San Miguel de Acatán is no longer the same. It is improbable that tranquillity will return, the traditional and peaceful village that existed before is now nothing but a dream. The Miguelenos, Jacaltecos, Solomeros, Mames, Quiches, Aguatecos, Kanjobales and other Maya refugees in Florida and in other states, will NOT return to Guatemala, as a people, a nation or a group. Maybe some individuals will return on a temporary or definite basis.

In practice, there is a new Indian nation in North America, – the exiled Mayas. In view of this we face a tremendous commitment, a cumbersome task, a constant fight and continuous struggle for respect, acknowledgment and survival«.

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The Rediscovery of America

L'Homme-Revue Francaise d'Anthropologie, Les Cahiers de L'Homme 122-124. 52, rue du Cardinal Lemoine, 75005, Paris.

The conquest and colonization of the Americas is a unique example of the reproduction of Europe on a continental scale. The Fifth Centenary celebrations of this meeting of two worlds provides the occasion for assessing this colonization experience and investigating the issues raised by Westernization and by new trends in »Americanism«. At the dawn of the 21st century, attention must be drawn to what has been specific about this colonization, namely *mestissage*, i.e. the production of mestizo cultures and peoples. The articles in The Rediscovery of America, a special issue of the journal L'Homme, inquire into the dynamics of contacts and exchanges between various peoples and into the invention of original forms of culture.

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Pilín Shapín:

A contemporary Mayan with 500 years of history

By Jerónimo Camposeco

Introduction

Felipe Sebastián Miguel Felipe is the Spanish name of a *Mayan Akateko* who lives in the rural area of Immokalee Fl.

With this name he asked the Migration Office in Miami for political asylum on 30th April, 1991. As identification he presented a birth certificate issued by the town hall in San Miguel Acatán in Guatemala.

If anybody was looking for someone by this name in his community, in Montes Cuchumatanas in Guatemala, or among his fellow-countrymen in the refugee camps in Chipas, or in his new Mayan community in Florida, everybody would say that they did not know him. But if they asked for »Pilín Shapín« his Akateko name, every Mayan would know who he was.

Pilín was born into the bosom of a big family in the old village of Paiconop on the hillsides of the town of San Miguel Acatán around 1952. His predecessors always considered this area their natural habitat, their cultural region of refuge.

At the age of only 10, Pilín had to leave with his parents in order to find work to earn his living in the coffee plantations, the cotton fields and the cane plantations.

Thanks to much sacrifice and patience, the family managed to save some money, and along with 30 other *Akateka* and *Q'anjobales* families they bought fertile land in Ixcán, in Barillas, not very far from San Miguel Acatán. They called their farm San Carlos Chancolín.

At the end of the 70s their crops of coffee, cardamom, bananas, maize and beans was quite big.

At the beginning of 1980, under the pretext of national security, the military government started a contra insurgent campaign against the guerrilla movement in Guatemala. Unfortunately, instead of fighting the insurgents, the army suspiciously orchestrated an unprecedented campaign of destruction, terror and death against the rural and Indian communities.

One day in 1981, as usual, Pilín went to visit his sister, Ashul, on a neighbouring farm called Mayaland.

When he came near he saw that the army had detained and imprisoned many people within the local chapel. Some of the terrified people managed to escape, and in their haste they met Pilín who had no other choice but to flee with them to the mountains. Petrified and grieving, from the mountains, they watched their families and friends burn alive inside the chapel while others were cut to pieces at the hands of the soldiers.

Sadly, Pilín's sister was among the victims.

In the village of Nubila not very far from there, Pilín's uncle lived and after the terrible shock of seeing the massacre at Mayaland, Pilín now made his way towards this village. But when he arrived at the village, there was another terrible shock in store for him: the village had been razed to the ground by the army. They had killed several people and they had burned all the houses to the ground. And to Pilín's distress, his uncle had been tortured and killed.

Thinking that something similar could happen to his family and the inhabitants of San Carlos Chancolín, he hurried back to warn them of the danger confronting them. They immediately hid in the forest of Ixcán and set off on foot in the hope of reaching the other side of the frontier so that they could settle in the inhospitable jungles of the state of Chiapas in Mexico.

Apparently, they felt safe here sharing their fate with other Guatemalan refugees who were spread out in different camps seeking protection from the security forces of Guatemala.

Nevertheless, violating international laws, the blood thirsty Guatemalan army wrongly entered Mexican territory capturing, murdering and creating terror among the refugees.

Pilín was aware of the danger and the submission and control to which they were subjected by the Mexican government just a few days after they arrived. So he chose to flee again desperately seeking the tranquility and security which he had not yet found. Pilín and his family secretly left the camp and went to live in the area neighbouring the city of Comitan. There they tried to mix with the rest of the local population and they tried to live unnoticed. This strategy worked efficiently and effectively for a long time.

In order to survive the family worked as farm labourers on the sugar and coffee plantations in Chiapaneco. The wages they received were not sufficient. They didn't even cover their bare necessities.

Despite this, with the joint effort of his parents, wife and children and using some tricks related to his legal status, Pilín and his family managed to buy a piece of land where they made a living by growing maize, beans and vegetables, just like they used to do in the mountains in Guatemala.

Finally, because of the threat of Repatriation which the Mexican authorities were proclaiming, which might result in

the nightmare of having to confront the violence of the Guatemalan military and paramilitary, and the terrifying consequences of this, as well as the fear of finding strangers living on their land in Ixcan, Pilín had to make a desperate decision.

He chose to leave his family in Chiapas provisionally and to try to get refugee status in the USA.

Because of his poverty, his cultural condition and because he didn't have the relevant papers, Pilín knew that this was a difficult and risky mission, but he also thought that it was the only alternative which he had, and decided to prepare for this mission. Carefully he made the relevant inquiries, he adopted the forms of expression and attitudes of his native Chiapaneco and Oaxaqueno brothers and he courageously set out on his journey to the North.

On his journey by both train and bus, he also acted and spoke like a Mexican. He evaded the legal police and migration officials, and finally he arrived at the border between Sonora and the US.

From this moment, other Central American refugees joined him and they set off together on foot on the worst journey of the day – the long trek through the inhospitable desert of Arizona.

After 4 days of hard walking, the refugees arrived at the outskirts of the city of Chandler, near Phoenix. They hid in an orange plantation and quenched their thirst and hunger by eating the oranges.

Since the conflicts had started in Central America it was already the custom to use this place as a natural refuge because of the protection and the food provided by its trees in such emergency situations. This place was very popular with the clandestine travellers, and it seemed like a paradise which practically saved their lives and granted protection to the scraggy refugees who constantly risked their lives by entering the US through the desert.

Since the first displaced persons arrived in 1983, a type of »transporter« would appear from time to time in these plantations with vans of about 15 to 20 passengers. These have operated in secret, mainly carrying immigrants without documents to the fields of Florida, or during the summer to the countryside of North and South Carolina for the fruit and vegetable harvest.

These transporters are called »coyotes« or »raiteros« (from the word ride), and they charge each person between 500 and 600 dollars.

Most of the people do not have any money when they arrive and the »raiteros« have found an effective way of weekly charging their clients when they have found work with a contractor. In other words, the »coyotes«, along with some of the contractors and land lords have formed a group which has efficiently developed a system to immorally exploit these farm workers who have just arrived and who have no documents.

And this is the state in which Pilín arrived in Florida, and as yet he has no documents, as the Department of Migration has not responded positively to his request. He is hiding in the Immokalee community suffering from cultural shock. He earns a living working from time to time harvesting tomatoes, chili and pumpkins for a contractor (»troquero«) who risks giving him work without asking to see his papers.

At the moment he can consider himself within the category of a marginal social group, similar to his situation in Chiapas, the same as his situation in the plantations in Guatemala. . .

His fate is uncertain, his future hopeless and unsure. He is living under exactly the same conditions as his predecessors during the past 500 years ever since the dynamics of their own destiny was abruptly interrupted by the arrival of the Spaniards to this continent.

Features of Resistance

During the first part of Pilín's story, the influence of the European missionaries is seen because they forced the natives to change their indigenous names to Christian names; even so, this system was not adopted completely among the *Akatekos, Q'anjob'ales*, or *Chujes*. Each person has a native name in his own language, as has been the case from time immemorial.

When it is necessary to contact the outside world, these people encounter no amount of problems as they have to identify themselves with their Christian/Spanish names. This situation has created uncertainty, confusion and even death.

Once here in exile, two little sisters enroled in the primary school in Indiatown with the same name : Maria Pascual. This was the correct translation of their Akateko names, Malin and Malxen, which we can see are different. On translating the native names into Spanish, they become an exaggerated repetition of themselves. In each community in this region, there are several people with the same name in Spanish.

And we all have a lot of difficulty in recognizing people if we don't know their native names, their environment and their habits. . .

This ignorance on behalf of strangers who have come into these Mayan parts has caused irreparable tragedies. Once in 1982, the soldiers came into a village in San Miguel Acatán looking for a man by the Christian name of Pedro Sebastián as someone had informed that he was a subversive. Seemingly he was not in the village. But when the soldiers asked for Pedro Sebastián someone ingeniously pointed to another man who also was called Pedro Sebastián in Spanish, but he was not the suspected guerrilla whom the soldiers were looking for. And it is characteristic for the soldiers to capture people without conscientiously investigating the accused. They captured and beat the innocent man who was a respected Catholic catechist. They brought him to the neighbouring village of San Rafael where he was shot along with other Akatekos before the astounded eyes of the people.

Despite all this, these Mayan brothers and sisters continue to use their native names irrespective of where they are, be it Guatemala, Mexico, or the U.S. and this is a clear feature of their resistance.

Without his land, the Mayan is an Orphan

Pilín, his family and his fellow-countrymen were obsessed with the wish to own their own land and this dream became a reality when, after much sacrifice, they managed to get land in Ixcán. Unfortunately, the colonialist system which still lives on there has not allowed this during the past 500 year through its different expressions of oppression: invasion, plunder, slavery, genocide, the servility of the encomiendas, the division of Indian communities, the warrants, the model villages, the poles of development, the civil patrols and the militarization of the country which destroyed Pilín's dreams by taking his lands from his and sending him into exile.

At the moment the plunderings, murders and persecution are of such magnitude that the Mayan, for the first time in history, is contemplating the only resort which he has, i.e. exile. To leave his land,

his home, and his community was inconceivable for him. Today he is like a maize plant uprooted and brought far away from his own environment, or like a baby wrenched from the bosom of his mother and brought far away never to return.

This is the Mayan trauma in the camps of Chiapas, on the streets and in the factories of Los Angeles, in the hot and narrow trailers in the fields of Florida full of pesticides, badly-treated and discriminated against, and in the cold and far-away regions of the northern states and Canada.

The Mayan presence is huge in Florida, and there is an attempt to raise peoples consciousness. Although people are struggling to adjust and to survive, we need to develop a tangible vision which is different to that which we have negatively acquired during the past 500 years of displacement and colonisation.

We now need to promote a programme of serious meetings in order to give expression as individuals and as a community full of confidence and determination to our defects and qualities within an atmosphere of constructive criticism. We need to discuss these things thoroughly and to organise ourselves, and finally we need to put the decisions agreed upon into effect together. When we organize ourselves within our new community, we will probably endeavour to construct our own national organization with regard to the host country, but with essential features of culture, ethnicity, language, art, philosophy, etc.

We ought to be conscious of the fact that one of the priorities as a community is our legal status, without which we cannot progress towards the attainment of our commitments. We are very insecure and worried that the migration officials might turn up and try to catch and deport Guatemalans.

The Reagan administration's amnesty in 1986 with the IRCA programme did not help us much. There are still a lot of people without documents, as well as those who are still arriving from the refugee camps in Mexico and Guatemala. We all know why the U.S. government does not want to accept refugees from there.

The Truth about the Discovery

By telling the story of Pilín and his community, I hope to show that the trauma of the »Discovery and Conquest« remains like an open wound in the heart of the natives. This man-made catastrophe is the result of the combination of a military campaign and the introduction of epidemics and diseases which almost wiped out the native population. Therefore this terrible situation has been rightly called »the indigenous holocaust«.

The elimination of the natives and the inflated ambition of the conquistadors led to the second Great Sin during the process of the so-called »Foundation of Western Civilization in the New World«: Slave traffic.

This degrading human activity caused the abduction of many Africans, turning them into the private property of the colonists. It decimated and caused the death of millions who shared the fate of their indigenous brothers of this continent.

The survivors were forced to suffer one of the most cruel forms of slavery which was never before registered in the history of man.

The activities which different governments and civic organizations are preparing for the celebration of the arrival of Christopher Columbus do not by any means reveal the real truth about this event. It is possible that they do not know it, but they are pretending not to notice, scorning the outcry of the outcasts and the natives for the truth to be told. The objectives of this celebration ought to be changed if a healing of wounds and a hope for something different is wanted.

It is untrue to say that there is a »New World Order«. We still live under the old regime, the economic, political, philosophical, environmental, and spiritual roots of which are closely and firmly related to the Conquest and Colonization of the Americas. ❑

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Time, Myth and the Stars in the Amazon and Andes

By Tim Cloudsley

Introduction

The origins of Amerindian indigenous identities go back far beyond the Spanish conquest. They lie in their pre hispanic histories. If any people or peoples is to act effectively in the world in the present moment, they need to know who they are; to shape the future people must understand and come to terms with their past.

This is true of societies anywhere in the world, but for the indigenous people of Latin America it is exceptionally crucial to grasp their cultural bases in religion and myth. So inseparable are their spiritual orientations from their economies, polities, and material existences generally, that the one cannot begin to be understood without the other. Self-consciousness is increasingly important for the indigenous peoples themselves, but it is equally important that the many ethnic groups in a country such as Peru understand one another. Only in this way can they act in solidarity, and overcome the divisions, separations, mutual misunderstandings and ignorance that restrict or hold back their capacity to grasp their destinies.

It is also important that the non-indigenous, »mestizo« populations understand and respect their indigenous countrymen and women too; both to prevent oppression of them but also because they thereby come to know something essential about themselves. And lastly, the better the peoples of Europe and North America understand the indigenous people of Latin America, the less the will accept the structures of domination and exploitation over them that they are so often parts of, knowingly or not.

The cultural history considered in this article is on a much longer time-scale than histories of class or nation usually are. It shows the essential interrelatedness of the three major cultural regions of South America – coast, Andes and rainforest – in spite of the isolation and mutual ignorance that so often prevails today. It rest upon a long-standing interest of mine in the relationships between cosmological ideas and the social systems they emerge from. It also reflects my belief that the cosmologies of traditional societies have great intrinsic value. They have and importance for all of us – not only for the peoples who still live unselfconsciously amidst and through them. Modern civilization has a great deal to learn from them, if it is to succeed in finding a less alienated mode of existence, and forms of economy and society that are environmentally »Sustainable«.

This article takes a very broad sweep at the cultural history it considers. My only justification for its sketchiness lies in my belief that it is the fores we sometimes want to see, not the details of individual trees. It is patterns or clusters of myth, symbol and belief that I look at here.

I believe myths should be understood as involving, grabbing, the whole human being – in his cognitive, intuitive, affective and sensuous functions. The psychologist C. G. Jung studied the cultural transmission of myths, and looked at cultural diversity as regional variations upon universal human archetypes. It is a deep learning over thousands of years that engenders these cultural identities in myth.

Sigmund Freud saw myths symbol condensation, continuous transformation, and par excellence, ambiguity. Interpretation of myth is analogous to that dreams, or art. There is no one single correct version or interpretation of a myth. As with a potent dream, or with great art, a significant myth mobilizes the lifeforce, the libido, the totality of a human being who lives as a part of the culture to which the myth belongs. Myths are much more persistent than merely cognitively apprehended ideologies. It is in terms of this sort of idea that the following addresses questions of South American identity or identities.

It is Widely accepted that the night-sky – the clusterings and movements of the celestial bodies – represents perhaps **the** Primary object of close observation and the primary stimulus to speculation (in both the imaginative and theoretical senses of the word) for both »primitive societies« and »traditional civilizations«. It is interesting that Aristotle in his *Metaphysics*, when describing the disinterested curiosity and desire for knowledge that he saw as a natural and distinguishing human characteristic, out the phenomena of the sky as the crucial realm within which this faculty first flourished. The night-sky, rep-

resenting one-half of the observable world for one-half of human beings' existence, was inevitably the quarter of »cosmic life-experience« that most particularly exercised the primitive human capacities for wonder and questioning. This is surely due both to its intrinsically spectacular appearance and to its demonstrating, to the most immediate and unpresupposing gaze, regularities and patterns in its movements to an extent far surpassing either the daytime sky or the earth.

These regularities and patterns show themselves on closer and more exact observation to be more complex, in such continuous and mentally involving ways that the qualitative leaps in their understanding have accompanied crucial historical transformations in human knowledge generally – from the transition of hunter-gatherer societies into complex settled civilizations with classes and states, to the rise of modern western civilization in the Renaissance and the birth of modern science.

The work of Alexander Marshak (2) and others indicates that observing, recording, measuring and speculating upon these patterns and regularities are indeed as old as the human genotype. The different types of human society that have existed in time and space, have demonstrated distinct levels of sophistication in their observations, and specific forms of explanation and interpretation of the observed data. But in all societal forms, including in a new seance the modern western world, ideas about the night-sky have contained two kinds of knowledge: on the one hand more or less exact astronomical information about celestial risings, settings, eclipses and conjunctions etc., and on the other hand mythical and cosmological modes of interpretation and explanation of all levels of reality and experience. Quite naturally Aristotle, in the reference above, linked observation of the sky with speculation into the origin of the universe.

In South America, the juxtaposition of the Amazonian rain forest with the Andes allows observation of so-called primitive societies, practising hunting, fishing, gathering and simple agriculture, side by side with complex, settled agricultural civilizations. From about 1800 BC there flourished numerous such civilizations in the Andes, until they were unified in the fifteenth century AD under the Incas. Following the Spanish Conquest in the 1530's, Andean society has retained its interconnected character in contrast to Amazonian ethnic-linguistic groups that have retained their essentially separate, discrete identities.

There is now widespread acceptance of Donald Lathrap's thesis that Andean civilization took from, and developed out of, a Tropical Forest Culture. Waves of migration are thought to have moved up the many rivers that flow from the Andes into the Amazon basin, between 3000 and 2000 BC. Recent research on the connections between lowland tropical and prehistoric Andean South America, provides archeological, anthropological, linguistic and botanical evidence to support this view.(3)

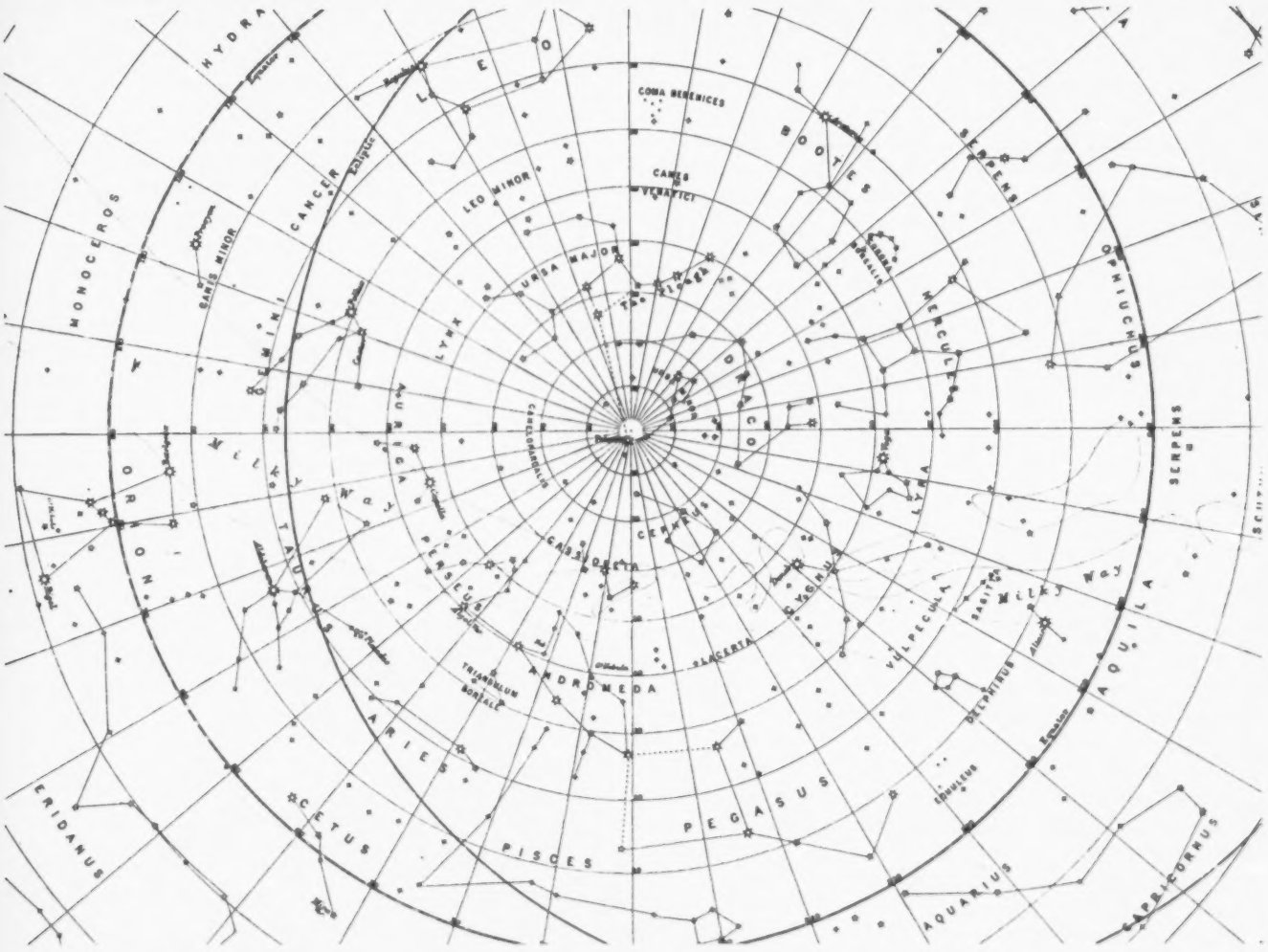
Though it is tempting to see historical Amazonian native cultures as descendants from the precursors of Andean civilization such speculation is fraught with difficulty. In the first place, the ancient riverine Tropical Forest Culture from which Andean Civilization is thought to have evolved, disappeared in the wake of the Conquest. Contemporary native cultures descend from »the wreckage of evolved agricultural societies forced into an environment unsuitable to the (former) basic economic pattern. Deprived of the riverine resources, such groups had to rely on the hunting of forest game. . .«(4)

Whether or not this »cultural devolution« took place in historic or pre-historic times for particular groups, it renders difficult the assumption that any resemble the Tropical Forest Culture. Furthermore, cultural diffusion back from the Andes to the Amazon, from the Early Horizon (commencing 1800 BC) through to the present, makes chronological priority concerning any particular cultural element hard to discern. However, we might compare the issue with that of the pre-history of European Antiquity. Classical Greek mythology is now understood as having evolved from a fusion of Minoan mythology with that of the tribal Acheans, once the latter had begun to create Mycenaean civilization on the mainland of Greece. Survivals from the primitive myths of Greek ancestors in the Eurasian plains and from prehistoric Crete, can be detected in the mythology of Classical Greece.(5) So too can primitive forms of myth from the Amazon be sensed in Andean mythology.

Among Amazonian societies astronomical knowledge concerning heliacal risings and settings, especially of the constellations Orion and the Pleiades, are widespread. In forms appropriate to societies practising hunting, fishing, gathering and simple agriculture, these are used to announce the beginnings or endings of rainy or dry seasons, the times for planting or harvesting, and the appearance or breeding seasons of specific species of animals, birds, fish or plants that are in some cases (but not all) hunted or gathered.(6) Such observation and knowledge are integrally related to myths and rites concerning a primordial time before the world took on its present, familiar form. Myths and rituals frequently celebrate or allow an »eternal return« to a mythic time of the ancestors.(7) Often this time is thought of as prior to a flood or other disaster, sometimes as part of a wider cosmology that embraces cycles of recurrent destruction followed by recreation.(8) Myths sometimes tell of how, in the time of the original, first creation of the world and the ancestors, some transgression – such as murder or incest – occurred which resulted in some or all of the ancestors going to the sky to become stars, constellations, or the Milky Way. For example, Edmundo Magaña (9) gives the following two myths of the Kaliña (Carib) Indians of Surinam:

One. »Origin of the constellation of *Siritjo* (the Pleiades):
»A man killed his brother and went to the village with one of his arms. He told his brother's wife that he was dead. He began living with her. The soul of the dead man installed itself in a nearby tree. Because of his moans, the wife realized what had really happened. The man decided to kill her and her son. One day, while hunting, he pushed the woman into a hollow tree and closed it. The spirit of the dead brother appeared to the murderer and told him to bury his body – if he did so, he would not disturb him. When he was burying the body, the entrails went to the sky and became *Siritjo* (the Pleiades)«.

Two. »*Pia* and *Makunaima*:
»The sun had made a woman pregnant with twin children, Pia and Makunaima. One day she went to look for her husband. She arrived accidentally at the house of *Kono(bo)-aru*, the rain frog, the jaguar's mother. When the jaguar got back home he killed the woman and found the two as yet unborn children. He decided to keep them. In a month's time they had reached man's size. The grandmother sent them to



shoot the powies, telling them that it was this bird which had killed their mother. They did so day after day. The last powies, seeing that it was going to be shot, told them that it was the jaguar which had killed their mother«.

». . .this is a fragment of a long myth and it ends with the transformation of *Makunaima* into the constellation of Siritjo (the Pleiades)... The twins become the constellation of the Twins, *Pio-Kanamo*, corresponding to Alphaand Beta Centauri, and the powies the constellation of *Wokoyuman*, the Curassow Bird (the Cross). The jaguar seems to have become the constellation of *Kaitusiyuman*, corresponding to Corona Borealis«.

James Regan(10) relates the following myth from the river Napo in Peru: »At the beginning of time there was a pregnant woman. Her husband had go lost. He was probably *Killa*, the moon. The woman did not know where he was. She followed a path looking for him. She asked the unborn twins in her belly »Where is your father?« The babies said »He is far away. You do not know where he is, search for him along this path«.

»She walked and walked and became lost. Following the sound of someone collecting firewood, she came upon the Old Woman of the Jaguars. »Where have you come from?« she asked. »I've come from over there«, replied the pregnant woman. The Old Jaguar Woman took her to her house. The young jaguars arrived.

»Grrrr! They ate the pregnant woman whole. But the Old Jaguar said: »Leave the stomach for me«. In the stomach she found the twins. She picked them up with care, washed them and put them nicely in a large jar, protecting them with cotton.

»The twins grew fast in the jar; soon they were big. When all the jaguars were away, they came out. And so the Old Jaguar Woman looked after them. When larger, the brothers decided to kill her. »Her children ate our mother, so we will kill theirs«, they said.

»They decided to trap the Old Jaguar. They prepared a cave at the foot of a hill, and put every kind of musical instrument in it to lure her in. They went to her and said: »We have made you a new house«. The Old Jaguar did not believe it, suspecting a trap. But at last they persuaded her. She liked the house. The twins sang every kind of song, and made her dance many times. Afterwards they made her sit on a bench that was covered with tar. She rested. In a little while they tried to lift her, but is was useless. She was stuck to the bench. The twins rose rapidly to the stars, and closed the door on the mother of all the jaguars, who could not move. She became angry, and screamed loudly.

»Having locked up the mother of the jaguars, the Twins, free of worries, thought: »What shall we change into?« The bigger one said: »I will become the evening star (the moon)« The smaller one said: »I will become the morning star (Ve-

nus).« At that time there were lianas to climb up to the sky with – like staircases in the forest. The two brothers ascended and stayed there forever«.

Again, a transgression at the beginning of trime is followed by mythical characters going up to the sky and becoming stars.

The Nomachiguenga of the Pangoa river system in eastern Peru have many myths in which a villainous figure changes victims into another form. A mediator intervenes on behalf of the victims, and in the resolution the villain is similarly changed into another form. Mary Wise(11) has shown that the characters who side together in these myths are parallel relatives while those who are against each other are cross relatives. Where the plot develops over a number of episodes, characters change sides in accordance with this schema. This is a rather clear example of myths reinforcing social norms and arrangements. But myths concerning the stars in Amazonian societies can generally be interpreted as explanations for, and accounts of the origins of social organization.

A convincing picture of the interlinking of astronomy with myth, and thus of economic activity with social structure, is provided by Magana for the Kalina of Surinam. A Kalina myth tells of an incestuous brother and sister who became the moon and the sun:

»The anxiety which lunar and solar eclipses were observed and the rituals following them can be explained by the Carib's cosmology. Astronomical phenomena of a periodic character serve as models upon which social relations are patterned or in any case are explained by applying to them categories of the social structure. The sun and moon serve as a paradigm to conceptualize relationships between close relatives, especially between categories such as brother and sister, for whom marriage or sexual intercourse is prohibited, and the movements of the sun and the moon are seen as the equivalents of the way in which these categories ought to behave. The eclipse is, on the sociological level, the equivalent of incest and the chaos and confusion that would result if this were to take place, are projected onto the sky: confusion between day and night, summer and winter, hot and cold. A similar state of confusion in the social structure occurs when affines and kin confound their proper roles and this is (or was) of an enormous importance in regions where peace is (was) maintained by the circulation of women among friendly groups (incest is detrimental to alliances as it deprives them of marriageable, interchangeable women)... The only way of solving the imminent end of life represented by the eclipse, is that the sun and the moon return to their habitual paths... Just as the order of the cosmos is achieved by a dialectic of proper distances, of opposition and complementarity, an ordered society is achieved by maintaining among its basic categories the same pattern observed in the celestial objects.« (12)

Magaña shows that in Guiana the major constellations, especially Orion and the Pleiades, rise, set, or lie on the meridian at sunset, sunrise, or midnight at different times of the solar year in such a way that a complex pattern of oppositions and complementarities is evinced. He writes:

»Our thesis was that if the native astronomers selected significant star positions within a framework of opposition and complementarity and established among them necessary links, then in the myths concerning the origin of the stars the same kind of structure would be present. This is indeed what seems to happen. Like the sun and the moon, the constellations are exiled people. *Epietembo* (Orion) was a hunter who killed and roasted his wife, cut her into pieces, and offered her as tapir's meat to his mother -in-law. His brother-in-law found this out, ran after him, and cut off his leg with a cutlass when he was trying to get into his canoe or when climbing a tree. He went up into the sky taking with him his barbecue (*sitiryo surari*; the Square of Pegasus); his wife became *sirityo* (the Pleiades). In other variants, *Epietembo* kills a tapir (his wife's lover); his wife goes to the sky (the Pleiades) followed by her lover (*maipuriyuman*, the tapir's jaw, the Hiades) and her husband (Orion). There is then between Orion and the Pleiades a relationship marked by opposition... (which) can be said to happen in the sky in June: the period of disappearance of the Pleiades extends from mid-May to the first weeks of June while Orion disappears from mid-June to the first weeks of July. In the days preceding the summer solstice, only the Pleiades can be seen when they rise at sunrise while Orion can only be seen when setting at sunset. This astronomical episode also has deeper implications: the tapir, the South American mythic seducer, threatens by its abduction of a woman to destroy the foundations of culture (the marriage between a tapir and a woman would lead to nature). On the other hand, the relationship between *Epietembo* and his wife cannot but be a necessary one: if Orion does not marry the Pleiades (a stranger or a non-kin) only incest is left as a possibility of marriage and this again would lead to the dissolution of culture.«(13)

In the following myth about the origin of the Pleiades:

»seven brothers who had returned to their village after hunting, got angry with their wives or sisters because they didn't have the meal ready (manioc bread)... (when) the women still didn't come back, the men went to the sky... They became the Pleiades... there has been negligence, since the wives or sisters and the parents had not planted or harvested the manioc in time... As the Pleiades they will appear to warn that the gardens must be prepared«. (14)

Magaña's conclusion is as follows:

Carib astronomers seem to have developed a complex astronomical system based on the observation of the relative position of the stars with regard to the sun, to other stars, and in connection with the seasons. In this system the constellations became 'significant' when they seemed to be opposed to or converge with other constellations during the

year. The stars' rising or setting on the eastern and/or western horizons and when on the meridian, were positions selected and then related to the setting or rising of other stars on the opposite horizon at different times (sunset-sunrise, etc.). The structure was grounded in mythology... The conflicts (opposition) in which the characters who later became constellation are engaged, have an astronomical equivalent in the sky when the constellations are in opposite positions (rising at sunset-setting at sunrise; rising during the rains-setting during the rains etc.)... The basic model for this horizon astronomy is the myth narrating the origin of the sun and moon: their incest founded the cosmic order and as kin they entertain relationships marked by opposition and complementarity (day-night; hot-cold etc.). Likewise, the people who became constellations were exiled to the sky because they had transgressed cultural rules (incest, killing

of affines, endo-cannibalism). the 'movements' of the stars in the year enact the episodes that have taken place on earth. Every significant position of the stars, the sun and the moon has a deep symbolic implication. As the myths show, the system reached a high degree of complexity and was linked to the economy as well as to cosmology«.(15)

In the complex agricultural civilizations of the Andes, a much more precise knowledge of celestial movements was made both possible and necessary, by comparison with rain forest cultures. More exact observation and more complex understanding were rendered possible by the emergence of a stratum of astronomer-priests who were freed from ordinary productive work. This priesthood developed abstract, symbolic systems for representing, recording, and calculating cycles of celestial movement, in particular the knotted ropes called *quipus*, textiles, and also abacuses. The vast territory of the Inca Empire especially, with its enormous range of different ecological and climatic zones over which a state-regulated agriculture was practised required for its coordination a most sophisticated calendar. This calendar is however, as William Sullivan puts it »an extension of the ability to organize activities sequentially by the use of astronomical observation. . . that is as old as the human race.«(16)

The transition from »primitive« community to early civilization is described by Jacquetta Hawkes as follows. The contrast she makes between neolithic societies and cities of the Old World, applies equally to the contrast between Amazonian cultures and Andean civilization:

»All these trends encouraged a higher theology, a greater awareness of order in the cosmos and particularly of the heavenly bodies, with which the order of civilization could be identified. Yet at the same time men still thought in terms of myth. . . the whole tremendous force of prestine civilization went into establishing harmony between man, nature and divinity. . . »Yet in another sense. . . all divinities became more remote from the ordinary man and woman. . . (due to) the growth of a professional priesthood. . . in the pueblos, and doubtless also in the Neolithic villages of the Old World, the priests had to grow their grain and meat, while all the villagers enacted the rites and sacred dances of the passing seasons and personified the gods when they appeared upon earth. In the cities which grew up beside Tigris and Euphrates, Nile and Indus, the responsibility for intercession with the gods became so evidently with the gods became so evidently onerous that it required the complete devotion of many priests«.(17)

Joseph Campbell speaks similarly of »a new order of humanity. . . namely, the professional, full-time, initiated, strictly regimented temple priest:

»The new inspiration of civilized life was based, first, on the discovery, through long and meticulous, carefully checked and rechecked observations, that there were, besides the sun and moon, five other vis-

The fiesta of the Assumption (La Asunción) at Huanoquite in the Peruvian Andes. Photo: Tim Cloudsley.

ible or barely visible heavenly spheres. . . which moved in established courses, according to established laws, along the ways followed by the sun and moon, among the fixed stars; and then second, on the almost insane, playful, yet potentially terrible notion that the laws governing the movements of the seven heavenly spheres should in some mystical way be the same as those governing the life and thought of men on earth. The whole city, not simply the temple area, was now conceived as an imitation on earth of the cosmic order. . . the psychological need to bring the parts of a large and socially differentiated settled community, comprising a number of newly developed social classes ....., into an orderly relationship to each other, and simultaneously to suggest the play through all of a higher, all-suffusing, all-informing, energizing principle – this profoundly felt psychological as well as sociological requirement must have been fulfilled with the recognition. . . of the orderly round-dance of the five visible planets and the sun and moon through the constellations of the zodiac. This celestial order then became the model for mankind in the building of an earthly order of coordinated wills. . . ». . .the myths and rituals that have sprung from this conception of a universal order. . . are its structuring agents, functioning to bring the human order into accord with the celestial.«(18)

The precise control over and coordination of planting, irrigation, and state ritual, with calendrics and astronomy in the Andes, contrasts with the more immediate and spontaneous responses to celestial events or other natural occurrences, still possible in primitive society. Astronomical knowledge becomes bound up with a different kind of mythology, which is now partly historical memory, partly the embodiment of state political ethics, and also contains theoretical elements that Tom Zuidema describes as »scientific«, since »they are not limited to a practical, empirical purpose in one locality. They also express a more abstract interest beyond the restriction of local space and time«.(19) However, in continuity with the mythologies characteristic of Amazonian cultures, the Andean mythology still projects onto the sky explanations and reinforcements of social norms and roles, as well as practical information concerning agriculture.

In a recent unpublished thesis William Sullivan has attempted to demonstrate that, in his words »Andean myth is, on one level, a technical language designed to record astronomical observations of extreme complexity and to relate these observations to the unfolding of life on earth«.(20) Sullivan finds that ethnographic data demonstrate a consistent association between terrestrial topographical references in myth, with specific loci on the celestial sphere. Animals an gods in myth are found to designate specific stars or planets. He tested the putative astronomical contents from a number of myths in the planetarium, and found they described rare convergences of specific celestial occurrences on two significant dates, circa 200 BC and circa 650 AD.

These two dates are occasions on which, among other rare occurrences, the precession of the equinoxes ensured that the Milky Way no longer rose heliacally at the June solstice of the sun. The precession of the equinoxes is produced by a wobble of the earth's axis, one revolution of which takes approximately 26,000 years. This causes star risings to fall slowly behind the sun calendar if they are observed over a very long period these two occasions were thought of as both catastrophic destructions of the world, expressed in the imagery of floods, but also as moments of recreation of the world by Wiraqocha. Thus very precise astronomical knowledge is interwoven with one of the fundamental ideas of Andean religion. Creation myths also indicate that in 200 BC Wiraqocha created the *ayllu*, the agricultural community which forms the basic unit of Andean civilization, whilst in 650 AD Manco Capac brought warfare to the earth. Archeological evidence indicates that the transition from hunting and simple horticulture to settled agriculture, and the emergence of the ayllu, did indeed occur around 200 BC, whilst the collapse of the Tiahuanacan Empire in about 650 AD was accompanied by developments in metallurgy that allowed more effective warfare. The ability of the ayllus to live in harmony was threatened until the first military empire in the Andes, the Wari, pushed to the fore.

This is a very simplified picture of a most complex system of astronomy and religion, the purpose of which has been to demonstrate how celestial observation, knowledge of social and economic history, assertion of the ethical value of the ayllu and of the political responsibility of the state, are interlocked and encoded in the collective memory of myth.

In an article that compares myths and rites in the contemporary Andes and Amazon, the Peruvian anthropologist Alejandro Ortiz Rescaniere considers points of similarity and difference between the two areas«.(21) For Rescaniere, a central opposition between them lies in the preeminence of rite over myth in the Andes, which inverts the preeminence of word over gesture in the Amazon. In the Andes lavish fiestas contrast with what he sees as the relative simplicity of the myths surrounding them. In the Amazon by contrast, rich myths accompany a much poorer realm of religious ritual.

Andean culture today does give this impression. Joseph Hastien and Richard Schaedel make a similar observation: »Judging from contemporary ethnological studies, celestial systems do not appear prominent in present day Andean symbolic systems, although earlier studies indicate greater importance in preconquest times«.(22) This is undoubtedly due to the fact that the complex Mythical-cosmological realm of pre-Columbian Andean culture was largely the domain of the priesthood, so that much of it was fragmented or lost with and after the Conquest. Elaborate rituals persisted, adapting from their economic, political and religious mobilizing and self-organizing functions in the complex space-time system of Inca civilization, to the new colonial conditions. With the deposition of the Inca caste, the coordinating system of beliefs integral to its rule was shattered. As the economic and political system was adjusted to suit Spanish colonial interests, and Catholicism was formally imposed, the links between fiestas and traditional agricultural practices became more tenuous; the link with state politics was broken or became contradictory. Fiestas came to be associated ostensibly with events in the Christian calendar, which were substituted for the nearest pre-Columbian astronomical-religious dates though in reality they became and still are punctuations in an annual cycle understood through a new Andean religion which is a syncretism of pre-Columbian and Roman Catholic beliefs«.(23)

As the pre-Columbian Cosmology was concerned with the political and territorial integration of Andean civilization, and affirmed the traditional religion, it threatened Spanish hegemony. It was thus a tar-

get of the systematic »extirpation of idolatries« and seemed to disappear. But, as is gradually becoming clear, it did survive – unrecognized – in apparently fanciful and fragmentary myth. For Rescaniere the complementarity and differences between the Andes and Amazon rest upon a common thematic basis. The Andean ecology came to
condition a stratified society practising an intensive agriculture, in which a profusion of religious and magical roles evolved, and a complex structure of religious ritual. By contrast, the rain forest engendered societies unable (until recent times) to evolve beyond hunting, fishing and collecting. In such minimally stratified tribal societies, nomadic existence acts as a constraint against the emergence of sacred places and the specialization necessary for development of complex religious rites.

In the Andes, rituals constantly reaffirmed the collective order of an agricultural civilization with hierarchical authority, the »wisdom« of myth remaining to a large extent a prerogative of the priesthood in temple cities. In the Amazon disparate, more or less autarkic ethnic-linguistic groups each had (and have) their one myths and rites, constantly reinvented and transmitted by the shaman, whose rugged individuality contrasts strongly with the more rigidly structured »office« of the priest. The shaman's narration of myth allows variety, uniqueness in each retelling, novelty in each individual elaboration. It is the religious counterpart to work activities and social interactions, which have a spontaneous, flexible character in primitive societies. Myth is constantly regenerated by the shaman's individual visions; in its spontaneity it reflects the hunter's »luck«. By contrast the elaborate rites of an agricultural civilization are governed by a strict calendar reflecting the need for precise regulation and control over each and every segment of a complex society. Similarly the diversity of roles of the shaman in the Amazon reflects the relative lack of social differentiation; in the Andes by contrast, religious and magical practises were specialized, just as they became separated more and more from other activities – productive, political, or military. Though remaining interlinked ultimately in the social totality, different spheres became relatively more autonomous. In mythology concerning the transformation from primitive hunting society to stratified civilization, we can see the Andean version of a common »moment of solemnity« in human history. In ancient Greek Mythology, the defeat of the Titans by the Olympian gods, and the resistance put up by Prometheus to Zeus, embrace most essentially a contradiction felt between the inevitability of civilization's crushing the huntershaman, and a sense of regret for the loss it entailed«.(24)

Within these immense differences between Andean and Amazonian cultures nevertheless, there is the commonality. This can be felt at innumerable points, but we will take one striking instance to finish with. Andean myth frequently used architecultural images to stand for celestial arrangements. The image of the house and its collapse in a myth recorded by the chronicler Francisco de Avila (25), can be shown to contain an understanding of how the procession of the equinoxes causes the position of the solstitial suns in the fixed stars to change. The solstitial suns in the fixed stars to change. The entire system of building in Cusco is in a sense an astronomical »diagram« or »text«. One can sense an antecedent to this among Amazonian natives like the Kalina of Surinam, who construct a »table« used in the preparation of food following the shape formed by the relative positions of constellations (Orion, the Pleiades, Pegasus, etc.), and construct their houses on the model of Orion, with rows of support corresponding to the lines of summer and winter solstices and the equinoxes«.(26).

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»Rainforest Harvest« projects harm, not help, Indian communities

Survival International voices misgivings about Body Shop and Cultural Survival

The so-called »rain harvest« has received much attention recently and is advertised as being of great benefit to forest conservation and forest dwellers. Although it does not oppose marketing for tribal peoples per se, Survival International has grave reservations about the current »rainforest harvest« concept, both in theory and practice. Survival is particulary concerned that is seriously diverting attention from the real and urgent problems facing tribal peoples today. In some circumstances the »rainforest harvest« can itself be harmful.

The current »rainforest harvest« theory is based on the idea that if can be shown that rainforest produce (mostly fruits and nuts) is more valuable in the long term than timber, then governments will be encouraged to promote rainforest conservation. Although this sounds like a good idea, tribal peoples have rarely benefited from such projects in the past (see below).

Cultural Survival and the Body Shop

The US-based organisation, Cultural Survival, supported by the UK-based Body Shop company, are working together on various »rainforest harvest« projects and both Cultural Survival and the Body Shop have their own independent schemes. One of Cultural Survival's projects is the promotion of »Rainforest Crunch«, a snack containing Brazil nuts (as well as several non-rainforest ingredients). This began not, as one would assume, as small-scale projects buying from local indigenous people and paying fair prices. The nuts were actually bought through normal commercial suppliers, not Indians.

Probably the most highly-profiled Body Shop project is that with the *Kayapó* Indians of Brazil who have contracts to supply ingredients for Body Shop cosmetics. This April, Paulinho Paiakan, one of the several Kayapo leaders, appeared at a press conference in London to announce that the tribe had agreed to supply 6,000 litres a year of natural oils to use in hair conditioner. As the Body Shop itself has said, it is first and foremost a trading company »looking for trade«, a stance which takes priority over charitable ventures. Survival has for some time been concerned with the thoughtless fashion in which the Body Shop has deal with the Kayapó tribe, especially as three years ago, when asked for advice by the Body Shop, Survival went to considerable lengths to stress that any intervation should be handled with great understanding, tact and sensitivity; also that mishandled projects, particulary those involving large sums of money, could easily lead to division and alienation within a community.

»There has been terrible inevitability about the problems now afflicting the Body Shop project and the Kayapó. The project has caused deep divisions amongst the Kayapo exacerbated by the way Paiakan has accumulated great personal wealth and power. The rainforest harvest can be beneficial if it is proposed and controlled by tribal peoples themselves, rather than imposed by outsiders for profit,« said Stephen Corry, Director General of Survival International, today.

Problems with the »rainforest harvest«

History shows that tribal peoples have not benefited in the long term when raw material from the rainforest becomes valuable to the outside world. The people are exploited in its extraction and the forest is very often destroyed to make way to cultivate only those plants required. The most notorious examples are: rubber in Amazonia, which caused the slavery and deaths of tens of thousands of Indians at the start of the century; and rattan in southeast Asia, which over recent years became sufficiently valuable to entail the felling of huge areas for rattan cultivation, now tended by poorly paid labourers – including tribal peoples whose lands these once were.

The harvest philosophy says that tribal peoples' problems can be solved by tying them to international, western markets, but it ignores the fact that demand for the product can fluctuate and even collapse. By attracting the publicity these projects need to profit commercially, they divert attention away from the real problem. For the real problem, as tribal peoples are unanimous in asserting, is that their lands and resources should be recognised as their own, as they declared at the Earth Summit only last week: »We maintain our inalienable rights to our lands and territories, to all our resources – above and below – and to our waters. We assert our ongoing responsibility to pass these on to future generations«.

There are several causes of rainforest and tribal peoples' destruction but government-encouraged colonisation is the main one in the long term. »Harvest« projects, if they are successful, are likely to encourage more colonists to seek a living in the forest.

»The real issue is for tribal peoples to have proper ownership rights over their lands, so that they can decide what does or does not happen on them. With the rainforest harvest they are purely at the mercy of western high streets fashions. What will happen to Indians when Rainforest Crunch goes out of fashion? said Fiona Watson, Brazil Campaigns Officer.

What tribal people think

»We do not recognise any advantage in our association with Cultural Survival... Their concrete help... has been minimal and their negative repercussions enormous. It has

Kaiapó area in Brazil

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shown itself ready to help us only if »it establishes the priorities instead of us«. The publicity for the harvest projects confuses the people (in Brazil) about... our ideas for a self-sustainable economies in our regions. Cultural Survival reveals that 40% of its profits from sales of products would go back to grassroots organisations. We have not... seen any return.«

From the paper »Evaluation of the Cultural Survival Rainforest Marketing Project«, Aliança dos Povos da Floresta (Alliance of Forest Peoples), Brazil, March 1991.

At the end of last year the Amazon Indian Confederation (COICA) also published an attack on the US organisation, relating to its unwelcome interference in Indian organisations. (Further information about the difference between Survival International and Cultural Survival's policies is available on request).

Survival International

For its part, Survival International takes no position on what is the best future for tribal peoples. Since its creation in 1969 it has always stood for the right of tribal peoples themselves to decide how they wish to live. Survival International is not opposed to marketing as such. Practically all tribal peoples already sell or exchanges some produce locally – and always have done. However, they must be able to get a fair return, and ultimately this can only be secured by their owning and controlling their land and resources.

Source: Survival International, London, 15 june 1992 ❑

For further information contact: Charlotte Sankey or Polly Mathewson 071-723 5535.

East Timor:
Unfinish Business

A grave travesty of justice is being played out in Indonesian lawcourts where trials have been taking place since February, in the wake of Santa Cruz massacre in Dili on 12 November 1991. While victims and survivors of the bloodbath have been given sentences as high as ten and fifteen years, the perpetrators have got sentences of on average 12 months.

These civil and military trials are the final chapter in President Suharto's scheme to stifle the criticism that engulfed Indonesia as the true horror of the Santa Cruz Massacre became known around the world. The first to stages of the scheme worked in his favour. Although his Commission of Inquiry was, to use Amnesty's words, »fatally flawed«, governments queued up to commend Indonesia for agreeing to investigate a massacre although Suharto's main objective was to thwart demands for an independent international inquiry to do the job. The Military Council also served to the US universities for a period of study, the impression was created that the President was even prepared to humiliate the army to appease his foreign critics. This too was seen as »encouraging« and »courageous« by governments which were keen to get back to business as usual. The massacre had put Indonesia's entire foreign aid programme in jeopardy, which was just as unwelcome to the donors as it was to the recipient.

Source: Tapol ❑

Panama:
Land Distribution Sparks Conflict with Indigenous Groups

The issuing of land titles to some 2,300 farmers living in an area which Indigenous groups claim to be ancestral territory has sparked conflict this week between the government and Panama's *Guaymi* Indians.

Isidro Acosta, President of the Guaymi General Congress in Panama's Western Province of Veraguas, said Thursday the giving of land titles to the farmers violates previous agreements between the Panamanian government and Indigenous groups.

»A resolution was established in the office of agrarian reform, after an internal agreement with ethnic leaders, that these lands would be respected until such time that a proposal for a Guaymi reserve has been drawn up«, Acosta said.

Acosta said the giving out of land deeds could be part of a strong lobby against the setting up of a reserve. He said the Government's decision came after a meeting two weeks ago in which Guaymi leaders spoke of plans to keep up the fight for a reserve.

In the meeting, farmers who had settled within the Guaymi ancestral lands »refused to be part of the reserve proposal«. Acosta said about 10,000 Guaymis live in the central mountains of Veraguas where the distribution of land is taking place.

Officials are aware of the ban against issuing land deeds in zones which ethnic groups claim to be ancestral, Acosta said. He described the Government's action as a »blow to the proposal for an Indian Reserve and to the aspirations of the Guaymi people«.

Since 1981, about 150,000 Guaymis have been urging the Panamanian Government to set up an indian reserve in the Provinces of Veraguas, Chiriqui and Bocas del Toro, the last two of which are located along the border with Costa Rica.

For the past 13 years, efforts to draft a bill establishing a Guaymi reserve have always been blocked due to heavy pressure from big landowners in the area. The plight of the country's ethnic groups manages to attract a little attention only when conflicts arise, Acosta said.

He said they were hoping the situation would be resolved immediately but that this time, they would act »prudently«.

In october 1993, after a series of armed clashes in Veraguas between ethnic groups and settlers, some 1,000 Guaymis walked from Panama's Western region to the Capital City to dramatise their demand for a reserve.

Early this year, some 5,000 members of Indigenous groups in Eastern Panama rose up in arms to drive away about 200 families who had settled in the Alto Bayano National Park Reserve since early 1990. The Park, which measures some 400,000 hectares, had been given to the ethnic groups in 1974 by the Panamanian Government.

Source: IPS ❑

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NEWSLETTER

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International Work Group for Indigenous Affairs

Rigoberta Menchú
Nobel Peace Price Winner, 1992

4/92

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Editorial

The decision to award the Nobel Peace Prize to the indigenous *Quiché* leader, Rigoberta Menchú, has been warmly welcomed by the indigenous world. Below is the text of the document issued by the Nobel Committee informing the public of its decision.

In this issue, as in previous years, we are publishing a series of statements presented to the United Nations Working Group on Indigenous Populations at its 10th annual meeting in Geneva this year.

The drafting of a Universal Declaration on the Rights of Indigenous Peoples is now accelerating and it seems that a final draft of the proposal will be ready for the Working Group in 1993. During the last two years the efforts of the Working Group have been directed towards the drafting process, leaving less time for the review of developments.

The statements of the *Inuit* Circumpolar Conference, Douglas Sanders, the Australian *Aborigines* and Torres Straits Islanders Commission, and the *Ngaati Te Ata* NAILS, are concerned with this drafting process.

The contributions by Gordon Pullar from Alaska and Vladimir Sanghi consider the rights that the *Ainu* of the Kuriles Islands are demanding from both Russia and Japan.

IWGIA's general policy is to give priority to the statements presented by the indigenous peoples themselves. However, this year we have chosen to include some replies which governments have made to the indigenous presentations on the situation in Burma and Chittagong Hill Tracts (bangladesh). The statements of the governmental representatives of Burma and Bangladesh illustrate how these governments underestimate the ethnic minorities. The language they use is far removed from the respectful prose which most people think should characterise negotiations at the United Nations. But their rudeness reflects the reality: that the indigenous peoples of both Burma and Bangladesh are suffering from ethnocidal and genocidal practices. Sometimes it feels like being in a theatre of the absurd, as when the representative of the Bangladesh government opposed the idea of an investigation into the allegation of violation of human rights suggesting that »one may not be surprised one day to find a Special Rapporteur under every nuptial bed«.

Andrew Gray has reflected on the strange behaviour which takes place in the circular meeting room in Geneva every summer. Here we are publishing his contribution as the last word on this year's Working Group.

Meanwhile, in the Philippines the *Lumad* of Mindanao continue their resistance to the construction of a geothermal plant on Mount Apo which is their sacred site and one of the main ecological reserves in South Asia. In Thailand's »Golden Triangle« the indigenous people are affected by a series of experimental projects to supplant the opium crop.

The Australian Supreme Court of Justice has recently recognised the rights of the Aborigines and the Torres Straits Islanders to their traditional territories. However, the article by Merete Falck Borch considers that the Australian legal system does not take the traditional indigenous system of land ownership into account.

In the Labrador region of Canada the Innu are still very concerned about the destruction of their forests at the hands of lumbering companies. In order to reverse this process, the Innu nation has initiated a maintenance and administration programme for its forestry resources.

The cholera epidemic which originated in Peru in 1991 continues to take its toll of victims. Here we present a study of the epidemic in Argentina which has mainly affected the indigenous people in the Province of Salta.

In June of this year, representatives of more than one hundred indigenous nations from the five continents chose to come to the World Conference on the Environment and Development in Rio de Janeiro to participate in UNCED and to hold their own meetings as indigenous peoples and nations.

Teresa Aparicio analyses the work which the indigenous people carried out at their conference and we bring you the Declaration of Kari-Oka, which they drew up.

Jens Dahl
Alejandro Parellada

Cover: *Rigoberta Menchú. Drawing by Naja Abelsen.*

Rigoberta Menchú, Nobel Peace Prize Winner, 1992

When Adolfo Pérez Esquivel officially proposed Rigoberta Menchú to the Nobel Committee (*) he claimed that to award her this recognised prize would be to »do justice to a whole continent«.

IWGIA joins not only with the people of Guatemala but with all the American continent in celebrating this just and well-deserved international recognition of Rigoberta Menchú's struggle for the right to truth and justice and to the identity and prosperity of the cultures and indigenous peoples of the world. In international fora, Rigoberta has been an untiring voice in the condemnation of injustices against her Guatemalan people and in particular against the indigenous peoples of her country and the American continent.
Her life is a testimonial; it is the life of an indigenous woman who knows pain and suffering, who has borne witness to a genocide of which her community and her family have been victims, but who, in spite of all this, has not given up. On the contrary, she shows the world what it is to fight with dignity for the freedom of her people.

On the announcement of their decision, the Nobel Committee stated that the recipient is »a living symbol of peace and reconciliation in spite of the ethnic, cultural and social divisions of her country, of the American continent and of the world«, and referred to her »work for social justice and ethnic and cultural reconciliation which is based in respect for the rights of indigenous peoples«.

According to Rigoberta, the Nobel Peace Prize will serve, above all, to dismantle the »wall of silence« constructed around Guatemala. Her people have suffered 100,000 deaths in 30 years of civil war, 45,000 disappearances, more than a million displaced persons, tens of thousands of widows and orphans and thousands of victims of the repression. All these abuses have been carried out with impunity, and a yearning for peace has been systematically crushed by the military and oligarchical might which controls the country.

She also said that it will be a »stimulus for the struggle for all the indigenous peoples of the continent for justice, for land, for identity, for their language and for all that comprises their cultural values; a stimulus which during the International Year of Indigenous Peoples will provide strength for the indigenous people to attain the Universal Declaration on the Rights of Indigenous Peoples for which we are working in the United Nations«.

(*) Published in IWGIA Newsletter/Boletin No. 2 1992.

Statement by the Nobel Committee:

Nobel Peace Prize 1992.

The Norwegian Nobel Committee has decided that the Nobel Peace Prize 1992 will be awarded to rigoberta Menchú, from Guatemala, for her work in the areas of social justice and ethno-cultural reconciliation, based in respect for the rights of indigenous peoples.

As in many other Central and South American countries, Guatemala has been characterised by great tensions between the descendants of the European immigrants and the indigenous peoples. In the 1970s and 1980s these tensions led to a massive abuses against the indigenous population. Menchú has become well known as a central spokesperson for the rights of indigenous peoples.

Rigoberta Menchú grew up in economic poverty, in a family which experienced repression and persecution in a most brutal form. In her social and political work she has always remembered that the long term objective of the struggle is peace.

Rigoberta Menchú has distinguished herself today as a strong symbol of peace and reconciliation through the ethnic, cultural and social differences in her own country, in the American continent and throughout the world.

On the occasion of the award of the Peace Prize, the Norwegian government has made the following declaration:

The Norwegian Government receives with satisfaction the decision of the Nobel Committee to award the Nobel Peace Prize 1992 to Rigoberta Menchú of Guatemala.

For many years Menchú has worked untiringly to focus attention on the human rights situation in her country of birth, and for the right and equality of indigenous people. The tragic attacks on her closest family has not caused her to abandon this task.

It is also the importance of the ideas for which she struggles and her bravery and perseverance in the fight for human rights for which she merits this prize.

Reports and Statements from United Nations Working Group on Indigenous Populations

UNWGIP 10. Session

Geneva 1992

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United Nations Working Group on Indigenous Populations

Chittagong Hill Tracts of Bangladesh

Intervention of IWGIA and Anti-slavery International

By Douglas Sanders

Chittagong Hill Tracts

This intervention, on behalf of the International Work Group for Indigenous Affairs and Anti-Slavery International, concerns the current Chittagong Hill Tracts of Bangladesh. I was co-chair of the Chittagong Hill Tracts Commission, which visited the area with the cooperation of the Government of Bangladesh, in December, 1990. We issued a report in May, 1991, and an update in March, 1992.

While Bangladesh has a large Bengali majority, the hill tracts are the traditional home of a number of separate hill peoples, who differ racially, religiously and economically from the peoples of the other parts of the country. As in other parts of the sub-continent, the hill peoples lands were protected during colonial times from outside settlers. That protection continued in practice until after decolonization.

Two major events laid the foundation for the current unrest in the Chittagong Hill Tracts. In 1960 the Kaptai hydro-electric project uprooted one third of the tribal population, flooding a large area of rich agricultural valley lands. Compensation and rehabilitation were completely inadequate, something not now disputed by civil and military officials in Bangladesh.

On top of the major disruption of the Kaptai dam, the national government sponsored a transmigration policy, under which Bengali settlers were given grants of land and other aid to relocate in the Hill Tracts. This government sponsored resettlement created direct competition between Bengali settlers and hill people for land.

It used to be common for Bangladesh government representatives to describe the hill people as nomadic, swidden (slash and burn) agriculturalists, who had no settled patterns of land ownership. Having heard such official statements, I was surprised to discover that the lands of the hill people had been extensively documented under the relevant land laws of Bangladesh.

They held the same kinds of land documents as other citizens for their homes, orchards, paddy rice fields and even, sometimes, for swidden areas.

It was clear that the Bengali settlement had not been restricted to vacant lands, but had displaced established land rights of the hill people. Hill people were losing lands that they could claim under Bangladesh law, under traditional rights and under the provisions of ILO Convention 107, to which Bangladesh is a signatory.

Such a displacement could not take place peacefully. Accounts of military and settler attacks on hill people and their villages began to appear. We heard scores of such stories directly from refugees. The hill people created an armed resistance group, the Shanti Bahini and political party, the JSS.

The response of the government of Bangladesh was increased militarization of the area. When my commission visited the CHT in December, 1990, the militarization of the area was amazingly extensive. Military officials told us about their roles in economic development, distribution of relief, building of infrastructure, including roads and schools, charitable work, even the settlement of land disputes (for which they had no formal authority under Bangladesh law). Military camps and check points were everywhere.

We counted over 20 check points during 30 minute drive on a road north of Khagrachari, all roads were under a military curfew from 5 p.m. to 10 a.m..

The military leaders were very well trained and spoke excellent English. They hosted us, gave us presents and described their training in counter-insurgency. They had studied the strategies of the United Kingdom in Malaya and of the United States in Vietnam.

The violence in the Chittagong Hill Tracts has produced a refugee population of over 50,000 in the Indian State of Tripura. A pattern developed of attacks on

hill people, military or settlers, followed by retaliatory attacks. These patterns came to be described in periodic reports of Amnesty International, the International Work Group on Indigenous Peoples, Anti-Slavery, and other non-governmental organisations.

We were told by military officials in the CHT that they were now able to prevent retaliatory attacks. A major part of their strategy involved the forcible relocation of hill people into »cluster villages«. An Asian Development Bank funded rubber plantation project meshed with this strategy, for it involved the relocation of hill people from their traditional lands to new settlements. I am told that the ADB funding for this project was ended last year. Bengali settlers, as well, were often relocated into cluster villages for protection and control.

The government had a set of new policies:

1. Further settlement in the hills was prohibited by controlling the availability of land titles, a clear reversal of government policy.
2. Three hill councils were established in the name of autonomy. They were unlike other local government councils in Bangladesh in that (a) they were elected, (b) they had specified representation, with a tribal majority on each council, and (c) they had more authority than local government councils in other parts of Bangladesh.
3. The military aimed at preventing retaliatory attacks, in order to isolate the Shanti Bahini as the only perpetrator of violence in the CHT.

The stated policy of preventing attacks by military and settlers has failed. Attacks and killings have continued sporadically. The latest major incident occurred in the village of Logang on April 10th, 1992. According to Amnesty International, reports indicate several hundred hill people were killed. Our sources confirm this figure. Amnesty describes the attack as apparently in reprisal for the killing of a Bengali youth by the Shanti Bahini.

The Bangladesh Government has appointed Justice Sultan Hassain Khan to investigate the incident. On two previous occasions the government has appointed inquires into major incidents of killings – the Kaukali and Longadu incidents of 1980

Refugees fromChittagong Hill Tracts. Photo: IWGIA archives

and 1989. The reports of those investigations have never been made public despite repeated requests. Such secrecy seems to confirm the hill peoples versions of the events.

Three weeks ago there was another incident. According to news accounts, four security men were killed by Shanti Bahini.

Prime Minister Khaleda Zia has said that she favours a political rather than a military solution. She has appointed a nine member committee on issues . Excluded from the committee are the elected members of parliament from the Chittagong Hill Tracts. Those three individuals are not members of her political party.

An account in the Guardian newspaper of August 4th states that the Shanti Bahini has rejected all previous offers to resolve the conflict, insisting that troops must be withdrawn from the area before talks can start. This statement is incorrect. There have been meetings in the past, which are documented in our report, and the JSS has continued to call for a resumption of negotiations.

Prime Minister Khaleda Zia's statement and the establishment of a committee may sound positive. But I am aware that President Ershad also publicly said he favoured a political solution. I am painfully aware of the history of the ILO repeatedly suggesting to the Bangladesh government that it at least establish an inter-ministerial committee to coordinate and assess policies in the CHT. I am painfully aware of the high level committee which conducted negotiations with the JSS, but cut the process short, opting instead for an agreement with a segment of the Hill People and the quick enactment of the Hill Council laws.

I am afraid that nothing appears to have really changed.

What should be done?

1. There must be a demilitarization of the Chittagong Hill Tracts. The government must be serious about the stated goal of a political, not a military solution. As an obvious first step, non-military functions, such as economic development, should be turned over to non-military authorities.
2. The issue of land titles in the CHT must be addressed by an expert and impartial body. Refugees will not return to the Hill Tracts from India unless they can re-establish themselves on their traditional lands. Bengali settlers will be displaced in the process, for many families are living on stolen land.

   Foreign assistance should be available for the rehabilitation of those settler families, to enable these problems to be solved.
3. The CHT must have sufficient autonomy within Bangladesh. There is a dispute whether that should involve one or three hill councils. But there can envisaged for the Hill Councils so far.
4. There needs to be international monitoring of the situation. We call again for a special rapporteur to monitor the situation in the Chittagong Hill Tracts.

Bangladesh is a poor country, which has often suffered from natural disasters. But Bangladeshis are spirited, lively and energetic. The continuing violence in the Chittagong Hill Tracts is a great tragedy. Bangladesh needs to address the situation honestly and directly. Bangladeshis cannot hide behind their poverty and their other problems when the evidence is clear on the oppression and violence directed against the hill people.

Douglas Sanders is a professor at the Faculty of Law, University of British Columbia, Vancouver Canada. ❑

United Nations Working Group on Indigenous Populations

Draft Operative Paragraph 17 on Resource Development Projects

Interventions of Professor Douglas Sanders

Thursday, July 23rd, Intervention on Draft Operative Paragraph 17 on Resource Development Projects.

We have had considerable concrete experience with the issues of large scale resource projects in the last thirty years. Such projects have resulted in major disputes in all parts of the world. The disputes have demonstrated concretely that such issues cannot be satisfactorily resolved in a unilateral manner.

When the Chittagong Hill Tracts Commission visited Bangladesh in December of 1990, we were repeatedly told by civil and military officials that the problems that they faced in the Hill Tracts, including the armed insurgency, could be traced back to the Kaptai Dam project of 1960, which had flooded the best agricultural lands of the hill people and uprooted one-third of the tribal population. Programs of compensation and rehabilitation had been inadequate and incomplete. There was a clear recognition by government officials, thirty years after the project, that Bangladesh was still living with the very serious consequences of the unilateral imposition of the project, which benefited the Bengali areas at the expense of the hill people.

I am told, in a similar way, that Prime Minister Bruntland of Norway has recently acknowledged that, in retrospect, the Alta hydro-electric dam project had been unnecessary. This reassessment comes long after the severe impact of the flooding on the traditional reindeer herding economy of an important section of the Sami population.

There are so many examples. In India in the early 1980s a major forestry project, funded by the World Bank, was halted by militant tribal opposition, to the great embarrassment of the national government and the World Bank.

Neither had adequately taken the interests of the local people into account in their planning. The failure of the project, which is now well documented, as well as experience in Indian areas in Brazil, led the World Bank to reassess its policies an produce a statement in the early 1980s to govern the funding of projects in areas of tribal populations. Problems continue. In 1991 the World Bank commissioned former judge Thomas Berger of Canada to do an investigation of the Narmada Valley hydro-electric project in India. The project is partly funded by the World Bank and will displace large tribal populations.

The first Aboriginal delegation from Australia came to Geneva in the late 1970s, before the establishment of this Working Group, to protest mining on sacred land in Western Australia. The first modern litigation on Aboriginal rights in Australia resulted from an imposed Bauxite mining lease on Aboriginal reserve lands in the Northern Territory, which came after the litigation, gave Aboriginal owners a veto on mining on their lands, with provisions for such a veto to be overridden by a special decision of the national government.

These provisions recognized that Aboriginal consent should almost always be a requirement for mining on their lands.

As the chair will recall, in my paper for the 1989 Geneva Seminar on Relations between Indigenous Peoples and States, I noted that indigenous peoples were, at that moment, engaged in road blockades protesting logging practices both in Sarawak, in Malaysia, and in the Province of British Columbia, in Canada, where I live. In British Columbia there have been approximately five court granted injunctions halting logging projects pending the resolution of indigenous land claims.

These events indicate the need for mutually satisfactory processes. I make these statements in support of the comments of other speakers that the simple requirement of consultation in draft operative paragraph 17 is inadequate. The concrete experience in many states indicates that there must be real negotiations, aimed at achieving agreement.

In this regard, there must be an accurate assessment of the relative costs and benefits. Projects like those in James Bay in northern Quebec and in the Chittagong Hill Tracts were designed to benefit other sectors of the national population, not the tribal peoples living in the project area who would simply bear the social and economic costs. The Kaptai Dam was to supply power to the plains areas of Bangladesh, particularly the capital city of Dhaka.

The James Bay project was to supply power to southern Quebec and for export.

The assessment of relative costs and benefits must not be confined simply to economic factors. A competent assessment must take into consideration the rights set out in this declaration, particularly the right of indigenous peoples as distinct peoples to survive and to develop their cultures and economies.

Clearly the goal is to achieve agreement.

Real agreement will only be possible if there is a mutuality of benefits. Without consent a major project can lead to social, economic and political problems for generations.
That is the clear lesson from projects like the Kaptai Dam and the James Bay project.

Friday, July 24th, Intervention on Draft Operative Paragraph 1 on Self-Determination

The statue of the International Court of Justice identifies the opinions of leadering scholars as one of the sources of international law. Another source is found in state practice.

In terms of state practice, there appears to be broad recognition now of the concept of autonomy or self-government for indigenous peoples within states. There remains, however, considerable concern with terminology and certain paradoxes and confusion in the discussion.

While the distinguished representative of the United States, earlier this week, expressed concern with the use of »self-determination«, that term has been the major official government description of United States Indian policy since the 1972 statement of Canada, in these meetings, expressed concern about the use of the term »peoples« in the draft declaration, while noting that it was in fact used in the Constitution of Canada (in section 35 which refers to the existing aboriginal and treaty rights of »Aboriginal Peoples of Canada«). In the fall of 1991, indigenous people insisted that the constitution recognize self-government as an »inherent right« of the Aboriginal Peoples of Canada.

The Minister of Justice and the Minister of Constitutional Affairs, in important public speeches, both expressed opposition to the term »inherent« on the basis that it had unacceptable international law implications. This was clearly a concern with language which might suggest a right of secession, a concern rooted in Canadian concerns with Quebec nationalism. The international law scholars in Canada who commented publicly on the issue found the government objections fanciful. (I was not one of the academics to comment publicly). In January the Canadian government indicated that it was prepared to accept a reference to an »inherent right« so long as it was described as a right to »self-government within Canada«.

These examples demonstrate agreement on the policy of self-government, but there are some continuing problems with the terms to be used to describe or justify self-government in both the domestic and international law contexts.

If we look at the writings of eminent international law scholars on the question whether »self-determination« applies to indigenous peoples, populations of groups, there appear to be four positions that have been taken.

(1) Indigenous peoples have a right to self-determination as a further development in the international law on decolonization. The context of decolonization is appropriate because the situation of indigenous peoples arises because of colonialism or state expansion. In the context of decolonization of overseas territories, peoples can choose sovereign independence. In the context of peoples geographically within existing states, the right would not, or not normally, include a right to choose autonomy or self-government. This reflects the idea of a further balancing of the right of self-determination and the principle of the territorial integrity of states, an approach noted in the statement of the distinguished representative of Australia.

(2) Indigenous peoples have a right to what is now often called »internal self-determination«. This concept requires that the state be democratic and that particular groups have real participation in the life of the state within which they live. In most situations, indigenous peoples and territorial cultural minorities are vulnerable in states with unitary or centralized state structures. They can only achieve meaningful participation if the state recognizes its own pluralism and accords an adequate measure of autonomy of self-government. Again the representative of Australia described this position.

(3) Indigenous peoples should be seen as cultural minorities, with a right to survive and develop as distinct peoples. This requires, again as a practical reality, a decentralized state structure, which allows autonomy or self-government for indigenous peoples.

(4) The fourth position combines elements of the first three positions. Indigenous peoples have rights to internal decolonization and internal self-determination as well as the rights of cultural minorities. As a result of all three sets of rights, indigenous peoples have the right to self-government or autonomy within states.

Professor Higgins, the distinguished British Member of the Human Rights Committee, supported position two in a talk here in the Palais this week. She saw the term »internal self-determination« as applicable. Professor Falk, of Princeton University in the United States, supports the first position. Professor Brownlee, of Oxford University in the United Kingdom, supports the fourth position.

I think it is striking that all three scholars agree on the conclusion of self-government or autonomy. I think it also is striking that there is broad agreement by international law scholars that indigenous peoples do not normally have a right to secession, though exceptional cases are conceded by most scholars, including Professor Higgins.

With these understandings, it is my opinion that the term »self-determination« can be used in connection with indigenous peoples. It would apply equally to indigenous peoples as to other peoples, as argued by Professor Barsh this afternoon. It would apply equally, but the special conditions of indigenous peoples would mean that the result of the application of the principle would be rights to self-government or autonomy within existing states.

There are, no doubt, some indigenous representatives who have a different agenda, perhaps even a hidden agenda in the use of terminology. Equally some governments have hidden or domestic agendas in their opposition to the use of the term. Those realities should not be allowed to confuse us in this work.

In my writings I have generally supported the first position that I described. I favour that position because it recognizes the historical processes of colonialism and state expansion which have given rise to the present situation of indigenous peoples. ❑

United Nations Working Group on Indigenous Populations

Bangladesh: Statement by the Ambassador and Permanent Representative Mr. Mufleh R. Osmany

The people of the hill districts of Chittagong do not differ racially, religiously and economically from the people of other parts of Bangladesh. Race is a concept established by science – biological and anthropological.

Both these disciplines would bear out that the people of Bangladesh constitute one race – a mixed race.

Race names applied to dialect groups, religious groups, sub-culture groups and geographical groups are biologically meaningless and therefore, scientifically unreliable and unacceptable.

Bangladeshi religions include Islam, Hinduism, Christianity and Buddhism. The people of the hills of Chittagong are generally, Buddhists, Hindus or Christians.

Hence, there is no difference in religion either.

Economically we are all same. We are all poor and underdeveloped. So, where is the difference in real life? None at all. Academic exercise is another matter.

The principal issue of the hill areas of Chittagong is terrorism and the euphemism of »unrest« used by a learned speaker would not be a fair description. The Chakma terrorists launched their rebellion against the state in the early seventies – that is the correct history of the violence, death and destruction in this area. Few members of one tribe are seeking to dominate all other twelve tribes by terrorism and violence. No state can permit this to happen. So the Army was called in to support the civil authorities. Even the other day, as admitted by the representative of IWGIA, these Chakma terrorists killed four policemen. How can one demand at the same breath that the Army should be taken out from this area?

As the economic development activities in the hill areas of Chittagong picked up during the late seventies, there was a movement of labourers and skilled workers to that area. The principle of market economy, in a free and democratic society, fully supports the free movement of factors of production.

Land related litigations and criminal cases account for about seventy percent of the pending proceedings before the courts of Bangladesh. The land issue is nothing unique in the hill areas. It is in fact a national phenomenon in a crowded country like Bangladesh. A special land survey is being conducted in the hill areas to establish and determine right, title and interest in land in the hill areas.

Prime Minister Begun Zia, visited the Logang area, personally, following the sad incident triggered by Chakma terrorism. »She reiterated the policy of her Government to work towards a political solution. But how can one negotiate with a small band of terrorists based outside Bangladesh. These terrorist represent no one but themselves.

The leaders who are actually in touch with the people are either sitting in the Parliament or running the elected local Government. Duly elected leaders are the ones to negotiate with and not the ones holding the entire nation hostage to their mindless violence and terrorism. No problems have ever been solved by terrorism.

The nine member Parliamentary Committee established by the Government to examine the issues of the hill districts of Chittagong includes member of opposition. Mr. Kalpa Ranjan Chakmas a member of Parliament from that and is a member of this committee. Hence it would not be normally tenable and factually correct to say that the elected members of Parliament from the area are excluded.

The apologists for the Chakma terrorists may discount the report of a world class daily as the evidence of its credibility and objectivity.

The way the concept of Special Rapporteur is being extended to every minor problem of national integration, one may not be surprised one day to find a Special Rapporteur under every nuptial bed. ❑

United Nations Working Group on Indigenous Populations

Inuit Circumpolar Conference

Review of Events

By Dalee Sambo

The Inuit Circumpolar Conference (ICC) is an international non-governmental organization comprised of Inuit throughout Alaska, Canada, Greenland and Russia.

Last week, the ICC successfully concluded its 6th General Assembly, which was held at Inuvik, Nwt, Canada. As many of you know, we have sought the direct and full participation of our Russian sisters and brothers within the framework of the ICC since our inception in 1977.

We are happy and proud to report that the Russian Inuit are full members of the ICC. The Yuit delegation to the ICC General Assembly elected their two Executive Council Members on Friday, July 24th – making this 6th Assembly a true milestone in the history of Inuit political development. This important development comes at a significant point in time in terms of Arctic and global international affairs.

In addition to other significant matters before the 1992 ICC General Assembly, we elected a new President. Her name is Ms. Eileen MacLean, an Inupiaq woman from Barrow, Alaska. President MacLean will begin her new responsibilities, as the political leader of our organization immediately after a short transition period.

In 1991, we reported to you that the Canadian government announced its intention to create an Arctic Council, which would provide a forum for the eight Arctic states to hold ongoing discussions on issues of common interest and promote circumpolar cooperation. The ICC (and ITC, the national Inuit organization of Canada) has played a vital role in the Arctic Council talks and asserted the need for representation of all Arctic peoples, consistent with the important principle of direct indigenous participation in international fora that we deem relevant.

The recent United Nations Conference on Environment and Development (UNCED) or Earth Summit provided the ICC with a unique opportunity to bring to the attention of the world community Inuit concerns and needs with respect to sustainable development. The ICC's principle objective was to have the role and value of indigenous traditional knowledge clearly recognized in the decisions of UNCED.

In addition, the ICC contributed scientific and technical input in the Agenda 21 documents, the Biodiversity Convention and the Rio Declaration.

We believe that our efforts in gaining recognition of Inuit traditional knowledge throughout the Finnish Initiative, UNCED and other international environmental initiatives, was a factor in the UN's sponsorship of the technical conference on Indigenous Peoples and the Environment, held at Santiago, Chile, in May 1992.

The ICC attended this conference and played a key role in developing the working principles which emerged at this meeting.

Earlier this month, the ICC sent a representative to the 44th Annual Meeting of the International Whaling Commission (IWC), held in Glasgow, Scotland. The specific mandate was to ensure support for continuing Inuit harvest of whales. We were successful in this effort to protect our sustainable harvesting of beluga and bowhead whales in Alaska and Greenland.

These are just some of the highlights of the ICC's work over the past 12 months to ensure our involvement in international processes that affect our rights, lives and in particular, our Arctic homelands. We have demonstrated our ability to participate at the international level, and to promote international cooperation in areas such as environmental protection and sustainable development.

In September 1991, at the invitation of

the Home Rule Government of Greenland, the United Nations held a Meeting of Experts on Self-Government for Indigenous Peoples in Nuuk, Greenland. The ICC, along with indigenous representatives and organizations worldwide, attended and actively participated. The Meeting of Experts adopted a series of Conclusions and Recommendations based upon the recognition of indigenous peoples as historically self-governing, the recognition of indigenous peoples as distinct peoples and societies, with the right of self-determination, including the right to autonomy, self-government and self-identification. The 6th ICC General Assembly formally adopted the Nuuk Conclusions and Recommendations.

Over the past year, Inuit from various Arctic regions in Canada have been directly involved in the intensive national negotiation and debate on the recognition of the inherent right to self-government in Canada's Constitution. Although substantial progress has been made, it is not yet certain that an agreement on Constitutional reforms will be reached. The challenge for indigenous peoples, like that facing us in the Working Group, is to fend off government attempts to limit our fundamental right to self-determination.

In this regard, I am compelled to share with you another matter that was addressed by a panel session at the 6th ICC General Assembly. The right of self-determination was the focus of the Human Rights, Development and International Forums panel and from this panel emerged ICC Resolutions 92-06. We will provide the Working Group with copies of this and all other ICC Resolutions adopted at the recent Assembly.

Resolution 92-06 specifically addresses the right to self-determination and the political, economic, social, cultural and spiritual dimensions of this right, and the integral right to lands, territories and resources. The Resolution also cites the active and aggressive state government opposition to the clear and explicit recognition of and respect for the indigenous right to self-determination in international fora.

The resolve clause directs the ICC »to continue in its efforts to entrench the right of self-determination in relevant international instruments, and to further assist in making self-determination a reality for Inuit throughout their homelands and in their communities«.

Madam Chair, as you and other Members of the Working Group know, the position of the ICC has been consistently in support of clear and explicit language on the indigenous right of self-determination.

Having arrived on Monday only to find the very disturbing statements made by Canada and the United States gives me the immediate opportunity to begin implementing the resolve clause of Resolution 92-06. To a lesser degree, we find the joint statement by the Nordic countries, disturbing also.

As you know, we have been concerned about the lack of state government elaboration upon their specific views in this democratic forum. We are pleased that these states are engaging in a substantive dialogue, however, we are deeply concerned about their backward-moving positions.

Any limitations or qualifications on the indigenous right to self-determination, in our view, can only be seen as racial discrimination. The state government attempts to include a qualifier on the term »peoples« in the Declaration is a reenactment of the ruthless opposition to the recognition of the fundamental right of self-determination demonstrated by certain governments during the ILO Convention on Indigenous and Tribal Peoples revision process.

We further understand that if these governments don't succeed in »qualifier« language, that they will seek an individual rights orientation to the text of the Declaration. This would be a grave injustice. As the ICC has stated before, the right to self-determination must be applied to all peoples, including indigenous peoples, without discrimination.

In contrast, we are encouraged to hear a number of useful government interventions about the indigenous right to self-determination, in particular, the far-reaching and positive contribution made by the government of Australia.

The Australian contribution is an important step toward shortening the distance between indigenous peoples and states in this standard-setting process. Such contributions can only assist in the fleshing out of complex legal and political issues facing indigenous peoples, states and the Working Group itself.

The Australian proposal raises such a legal issue – we must conduct a careful legal analysis of the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations and the specific paragraph cited by Australia. It is important to note that this is a twenty-two year old document drafted from a strictly state-oriented perspective. The drafters did not consider indigenous values and rights or the collective dimension of indigenous rights.

In addition, the ambiguous language »thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or color« is a far too easy test for governments to claim that they meet. For example, the representatives of the Quebec separatists movement make the claim that they, as a nation, would represent the whole people of the territory of Quebec, including the Inuit. Our past and present experience with the Quebec government regarding such a claim leads us to believe otherwise.

Mere »representation« is inconsistent with the principles that the ICC and many others have been advocating for namely the right to full and direct participation and the right to consent.

Issues of this nature, as well as others, call to question, the time-frame of the Working Group in its efforts to complete the Draft Declaration. We must take time to ensure that we settle upon a Draft Declaration that allows for full deliberation of language that will be responsive to the diverse conditions and status of indigenous peoples worldwide. In this regard, we support the statement made collectively by the National Indian Youth Council, the Indian Law Resource Center, and the Fourth World Center for the Study of Indigenous Law and Politics.

In conclusion, let me re-state our appreciation to the Chair and Members of the Working Group for their skilled efforts in drafting a Universal Declaration that truly responds to the diverse realities and conditions facing the world's indigenous peoples. We are encouraged by the overall developments and will continue to provide our support and assistance in this important endeavour. ❑

United Nations Working Group on Indigenous Populations

Statement of the Russian Association of Northern Indigenous People

Kuril Islands

By Vladimir Sanghi, President

Vladimir Sanghi.
Photo: Leo Van den Vlist/WIP

In 1959, the average life expectancy of indigenous people of the Russian North was about 62 years. In 1989 the life expectancy of these people had been reduced by 15-20 years. Today our people do not live until pension age.

For a long time the international community (including Russia) built up its relationship with indigenous people from a »Eurocentric« point of view based on pseudo-scientific dogma about aborigines' supposed historical backwardness and how they are doomed to extinction.

This doctrine is used to justify the awful consequences of colonisation and predatory expansion. It completely ignores indigenous peoples' interests, their ethno-historical characteristics and their historical rights to use their own lands, which are now the main focus of the international community's economic development.

For the UN Year of Indigenous People (1993) we want the elimination of the unitary and discriminatory approach to indigenous people found in the constitutions of all countries and demand that they be given the right to self-determination.

I am addressing all the states and people who have established a colonial relationship with indigenous people through the seizure of their land by forcing them to change their way of life. I ask such states to use the UN Year of Indigenous People for their moral self-purification for all the damages they have caused our people. I am calling the heads of states such as Spain, Portugal, Britain, Italy, Germany, Japan Denmark, France, Netherlands, Russia, USA and other colonial and former colonial powers to face 1993 and to accomplish a repentance ceremony before all humanity.

I suppose that the logical result of the UN Year of Indigenous People must be the banishment of all types of colonial policy in the international practice of individual states and the elimination of the consequences of such a policy.

Indigenous people must get their historically justified exclusive rights to their lands and to their way of life. The presence of foreigners on indigenous territory must be mentioned in treaties where the indigenous people themselves determine the conditions of the foreigners' presence on their territories. This is of great importance if we are to take into account that now the foreign population uses indigenous territories not only for mercenary and selfish motives (which has led to large scale ecological and ethnic disasters) but also to satisfy their aggressive ambitions which threaten a world-wide catastrophe.

The islands of Novaya Zemlya, situated in the Arctic Ocean, are the territory of the indigenous people of Russia – the Nents people. The Nents were forcibly displaced from their lands by the Soviet State and their native place became a nuclear testing ground. Nowadays the archipelago of Novaya Zemlya is not only quivering from nuclear explosions but is also depository for radioactive waste. For the last 20 years, some 11,000 containers of radio-active waste have been buried in this archipelago. We have in our possession the information that at present the level of caesium-137 found in the Nents, who are reindeer breeders, is 50 to 100 times higher than that found in townsmen of the same region. Russia must stop the nuclear weapons testing in this area and remove the nuclear waste from the territory of northern people.

Now the problem of the »northern territories«, i.e. the Kuril Islands, and the necessity of returning them to Japan has been widely discussed in Russia and Japan. And here again the colonial ideology is dominant. The Kurils are the primordial lands of the Ainu people. They are as ancient as their friendly neighbours, my own four thousand year old people the Nivkhs, who live on Sakhalin Island and in the lower reaches of the Amour River where they go back for at least five to six thousands years.

The point must be that the Kuril Islands be returned to the Ainu people. The Ainu will decide themselves what way of life to lead on their native lands, what kind of relations to establish and with whom. ❑

United Nations Working Group on Indigenous Populations

Keepers of the Treasures:

Cultural Council of American Indians, Alaska Natives and Native Hawaiians

By Gordon L. Pullar

Gordon Pullar.
Photo: Leo Van den Vlist/WIP

I am a representative of *Keepers* of the Treasures, an indigenous organization formed last year to address cultural preservation issues in the United States. This is a national organization governed by a 15 member board of directors representing all geographic areas of the U.S. I am the Alaska representative to this board. This organization was formed in response to the realization that, to varying degrees, many Native tribes are losing, or at least misplacing, important aspects of their heritage. As pride in heritage is at the core of one's identity, and thus of one's self-esteem, it is imperative that we do not lose our traditions, values, and identity through our own lack of efforts to preserve them. It is the loss of these things that results in so many of the social problems we face today.

I am Kodiak Island Aleut, or Alutiiq, and am the past president of the Kodiak Area Native Association. The homeland of the *Alutiiq* people was that hardest hit by the 1989 Exxon Valdez oil spill. The Alutiiq communities are continuing to heal environmentally, economically, and spiritually from this tragic event.

During the six year period of my presidency of the Kodiak Area Native Association (KANA), we began a conscious and active process to preserve our culture. One aspect of our efforts was to take care of some unfinished business. We began an active process to have the skeletal remains of our ancestors returned from the Smithsonian Institution. After six years of effort, 756 skeletons, the largest group from one place of the 18,500 Native American skeletons held at the Smithsonian, were returned to Kodiak Island last October and reburied after having spent over 50 years in wooden storage drawers in Washington, D.C.

We believe that in order to plan our path to the future, we must first understand where we have been. And, above all, we must not offend our ancestors. Certainly, to have allowed the remains of our ancestors to be kept in storage boxes, thousands of miles from home, would have been offensive to them.

In 1989, while I was president of KANA, I signed an agreement with the Sakhalin Island Regional Museum in Russia to enter into a joint archaeological project. Our purpose in doing this was to understand more of our misplaced past. During the first half of the 19th century, many of our people, enslaved by Russian fur traders, were taken to the Kurile Islands to hunt sea otters for the Russians. Last summer, a group of young Aleut students from Kodiak travelled to the Kuriles to take part in the excavations of the dwellings of our ancestors that were taken there against their will. These excavations, led by Valery Shubin of the Sakhalin Museum, made it possible to learn more of this sad chapter in our history.

During this session of the Working Group we have heard both the representative of the Ainu Association and my friend, Vladimir Sanghi, call for the return of the Kurile Islands to their original inhabitants, the Ainu.

As a Kodiak Alutiiq, whose ancestors were forcibly taken to the Kurile Islands, and some of whose spirits still reside there, I believe the return of these islands to the Ainu is an excellent idea, and one that is just and fair. Seldom can a problem of the magnitude of the dispute between Russia and Japan over the ownership of the Kuriles be solved with all parties coming out winners.

It is my intention to return home and request Alaska Native groups to endorse this concept in hope that, in a small way, this will help facilitate the return of the islands to the Ainu. Having these islands in the hands of indigenous people would be a fitting tribute to my ancestors who died there. ❑

United Nations Working Group on Indigenous Populations

National Aboriginal & Islander Legal Services Secretariat

Review of Events

Madam Chair,
One development of extreme importance has occurred since the 1991 Working Group, that is the High Court of Australia has handed down its decision of the case of Mabo versus Queensland.

The majority of this court rejected the racists doctrine of Terra Nullius as the legal basis for the British's acquisition of sovereignty over Indigenous Australia. But then declined to draw the logical legal conclusions from that rejection. On the contrary the reasoning of the majority has merely served to replace one legal fiction with a new, less obviously offensive one.

For the purpose of undertaking this, judicial enquiry into the acquisition of territory by a State, the relevant law is neither International Law of the time of purported acquisition,nor is it International of the present. But rather the common law of England as at the purported date of acquisition.

At the time of British invasion of the Australian continent, English common law only recognised three methods by which a state could acquire sovereignty over territory already occupied by others.

1. It could conquer the existing inhabitants.
2. The existing inhabitants could voluntarily surrender their sovereignty to the invader.
3. It could settle land on the basis that it was land belonging to no-one, because the existing inhabitants were so primitive and barbarous in that they had no laws, no social organisation and therefore no sovereign person or institution capable of being recognised under International Law (Terra Nullius).

The majority of the judges took different approaches as to whether Australia was Terra Nullius in 1788.

They retrospectively discarded the extended Terra Nullius doctrine from the comon law.

(It should be noted that this approach completely ignores the inter-temporal law doctrine.)

The minority judgement however stated categorically that the lands of the continent were not Terra Nullius.

The rationale for Australia being with a settled colony having been discredited, three possibilities remain with respect to traditional lands and territories of each of the three hundred plus Aboriginal and Islander nations which occupied the continent at the time of the British invasion:

1. The British Crown acquired sovereignty by conquest.
2. Sovereignty was ceded to the British Crown.
3. Aboriginal nations have never lost sovereignty.

The English and Australian Common law with respect to conquest is to be found in the Privy Council decision of Campbell versus Hall. There it describes two alternative methods whereby sovereignty could be obtained by conquest. An invading sovereign could only obtain his rights by:

I. By a form of voluntary cessation of territory by the existing inhabitants.

II. By the wholesale and complete slaughter of the existing inhabitants.

Clearly the British did not acquire any sovereignty over the territory of Australia by conquest.

No Aboriginal nations have ever voluntarily surrendered sovereignty over their lands to anyone much less to the British. The question arises just how did the British acquire (if at all) sovereignty of Australia.

The High Court did not deal with this question at all. Rather they declared themselves incompetent to consider it. Brennan J quoted on behalf of the majority states.

»The acquisition of the territory by a sovereign state for the first time is an act of state which can not be challenged, controlled nor interfered with by the courts of that state:

Whilst the minority decided the following:

»The validity of such an act of state could not be challenged in British courts. It must be accepted in this court that the whole of the territory designated in the Phillip's Commission was by February 1788 valididly established as a settled British colony. The denial of competence to question the British acquisition of territory

completely contradicts their assertion of competence to dispute the proposition that the continent was Terra Nullius at the relevant time. The question of whether Australia was Terra Nullius in 1788 is one of fact or law which does not arise. No Australian court is competent to address the question in the first place.

In summars if it can be said that there is binding Australian common law rule to the effect that acquisition of sovereignty over land by a state cannot be questioned in the courts of that state, that rule exists only by virtue of the majority decision in the Mabo case itself. Further the court has violated its own rule by questioning the proposition that the Australian continent was settled by virtue of being Terra Nullius in 1788. The results of these judicial moneuvoures can only be stated as follows:

1. In 1788 Britain magically somehow acquired sovereignty by settlement, over a continent already inhabited by a race of people who belonged to societies with highly evolved systems of law and social organisations. Further the courts rejection of the Terra Nullius doctrine is not allowed to have its natural consequences. Instead the decision merely serves to replace the legal fiction that Britain legitimately settled territory belonging to no-one, with the less obviously offensive legal fiction that Britain legitimately settled territories that was already inhabited by indigenous peoples; with these indigenous peoples sovereignty over their lands and territories being instantly extinguished at that moment in time, in 1788 when Phillip proclaimed British sovereignty by the establishment a penal colony in Sydney Coye. We find that the replacement of the doctrine of Terra Nullius with the doctrine of discovery is probably the most perverse feature of the Mabo case. The discovery doctrine is essentially identical in character to that of Terra Nullius, they are equally based on outdated, racist, imperialistic and Euro-centric views of International Relations and therefore equally repugnant. ❑

Publication received

Henry P. Huntington

Wildlife Management and Subsistence Hunting in Alaska

Belhaven Press in association with Scott Polar Research Institute, 1992. 177 pp.

With the *Iñupiat* of northern Alaska as a basis for his research, Huntington analyzes the existing conflicts between the interests of the Iñupiat and the management regimes of government agencies responsible for conservation of the hunted species. He describes the Iñupiat way of life, and in particular the subsistence economy that they practice. Special emphasis is placed on the importance of hunting for their livelihood and culture. The book is a well-detailed case study of how a mismatch of goals and objectives in relation to wildlife management can be constructively reconciled. Furthermore Hunting on evaluates different local and coorporative initiatives, which have played a significant role in presenting and supporting the interest of the local hunters, both on a national and international level. Even though he focuses on management regimes in northern Alaska, the book provides several general methods to analyze the effectiveness of wildlife management, where indigenous perspectives, needs and rights have to be integrated. Throughout the book Huntington highlights the principle of intensive local involvement in all phases of the management process, from research to formulation and implementation of regulations. To support this principle he creates a comprehensive list of criteria that facilitate successful interaction between management regime and local hunters.

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United Nations Working Group on Indigenous Populations

Statement by the Aboriginal and Torres Strait Islander Commission

By Lois O'Donoghue, Chairperson.

The Aboriginal and Torres Strait Islander Commission (ATSIC) of Australia strongly supports the proposition of the Australian Government that references to self-determination be retained in the draft declaration.

It is our view that to replace the term »self-determination« with »self-management« would drastically weaken the declaration. The concept of indigenous »autonomy« and the commitment to the »full participation« of indigenous peoples must remain. »Consultationes« alone is unacceptable. From ATSIC's standpoint, such modifications would be seen as a backward step. They would result in an international instrument unlikely to further the rights of indigenous peoples.

In saying this, ATSIC is sensitive to the concerns of the observer governments and recognises that the concept of self-determination for indigenous peoples may appear to threaten the territorial integrity or political unity of sovereign nations.

For this reason some qualifying provision may need to be included in the draft declaration. If this is necessary, it is the view of ATSIC that such an approach is far preferable to dropping the term.

Australian experience has shown that the concept of self-determination can provide a flexible basis for giving indigenous peoples progressively greater power to make their own decisions on the matters that affect them. Indeed the creation of ATSIC, and its ability both to be a central part of the machinery of government and to retain its independent viewpoint, bears testimony to the value of the concept in furthering the rights of Aboriginal and Torres Strait Islander peoples within Australia.

In Australia, at the moment, the government's commitment to indigenous self-determination is made concrete through the representative body which I chair, ATSIC. That means that rather than having an advisory body to the Australian Government there now exists a decision-making authority. The authority has responsibility not only for deciding on two-thirds of the governments expenditure on indigenous peoples, but also for coordinating and monitoring policies and programs across the range of government activities.

The point I wish to make is that the creation of ATSIC and the increased powers given it, should not be seen as the final statement of the Australian government on self-determination. Self-determination is an aspirational concept which provides a firm base for progressively increasing the decision-making powers of indigenous peoples.

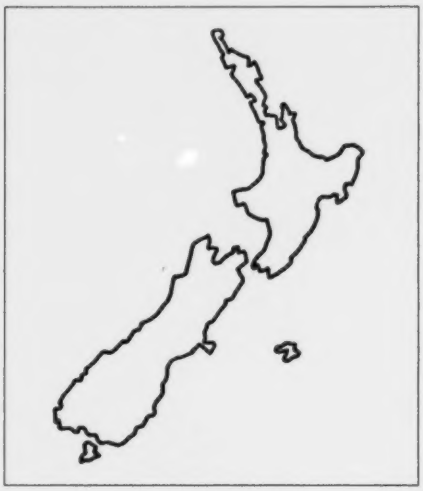
ATSIC looks to the extent and range of self-determining powers to be expanded. The term »self-determination« provides a positive framework within which other key objectives of Australia's indigenous peoples – such as land rights, compensation, development of a treaty, increased recognition of customary law, or constitutional change – can be pursed. For other indigenous peoples of the world the concept of self-determination has similar domestic implications.

The draft declaration is an important standard setting work. It must be a document which can gain a broad consensus among nations. But it must not be so watered down in that search for consensus that its value to indigenous peoples is significantly reduced.

It is the view of the Aboriginal and Torres Strait Islander Commission of Australia that the term »self-determination« must be retained. There is no single concept in the draft declaration which has such power to underpin the rights to which indigenous peoples aspire. ❑

United Nations Working Group on Indigenous Populations

Statement of Ngaati Te Ata



New Zealand

Tena koutu
Erihapeti, Moana, me korua hoki Te Atawhai mw Hohepa nga mangai o te Whakakotahitanga o Aotearoa, tae noa ki to tatou tamahine, Moana. Koutou nga uri rangatira a o koutou tupuna matua, me a koutou Maunga, Awa, Moana, Ngahere, Waahi Tapu Tena koutou.
Nga mihi hoki ki a koe te mangai o te kawana Miriama me nga korero a te Maunga tapu o Taranaki e iri nei ki runga i a koe.

In past years Ngaati Te Ata has presented statements of both a local tribal and general national nature pertaining to Review of Developments. This year Ngaati Te Ata acknowledges the presence of the Te Whakakotahitanga o Aotearoa the National Maori Congress as well as other established representatives from our country.

At this Tenth Session of the Working Group, statements have been presented that cannot be ignored. For example, the New Zealand Settler Government claims that »... there should be consistency between international instruments...« and refers to Chapter 26 of Agenda 21 of UNCED where the term »lands« ...« is simply used together with a statement of the understanding of the meaning of the term« as a preference, instead of lands and territories. It claims not to know the distinction and cites the Treaty of Waitangi as the lawful reason it has alienated us from our lands and continues to alienate us through its privatisation and corporatisation policies. Then it proceeded to outline in this international forum its formula for the application of national law.

Two years ago in a joint intervention, we made reference to a comment made by a government representative who later denied saying that, »the N.Z. Government will never agree for Maori people to have SELF DETERMINATION.«

Today, the New Zealand Settler Government has shown its true colours and has grandly announced that »it is not able to support the inclusion of the »right to SELF DETERMINATION in the declaration«, then, amazingly it seeks to impose SELF MANAGEMENT on the indigenous peoples of the world. Such a blatant watering down of our inherent rights is totally rejected. The Declaration of Independence and the Treaty of Waitangi ensures our right to SELF DETERMINATION.

Although the Hearing before the Waitangi Tribunals concerning the desecration and confiscation of our sacred burial grounds at Maioro, the despoliation of our tribal waterways and other acts of injustice was held in 1984, the case has still not been resolved by successive governments.

It must be said that despite our being continually denied our inherent rights by the New Zealand Settler Government there are many exciting Maori developments nationally and locally:

Ngaati Te Ata has prepared a Tribal Policy Document outlining very clearly to all external agencies our vigorous pursuit towards SELF DETERMINATION. It is based on our tikanga (lores/laws), it is pursuant to but not depended upon the 1835 Declaration of Independence and it will succeed because it is designed by, driven by and actioned by our own people. We have »THE RIGHT TO BE OURSELVES«.

For example, our vibrant action policies on the restoration of Papatuanuku Mother Earth and the total environment is central to our SELF DETERMINATION.

Without proper nurturing care and protection Papatuanuku Mother Earth shall not survive
If Papatuanuku Mother Earth does not survive People shall not survive for we are inseparable.

It is not too late for the New Zealand Settler Government to change its position, acknowledge and support the inherent right of Indigenous Peoples to SELF DETERMINATION for the key to mans survival is with the indigenous peoples. ❑

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United Nations Working Group on Indigenous Populations

Statement of the National Chicano Human Rights Council

By Roseanne Olguin

In a prior intervention made at the 48th session of the United Nations Commission on Human Rights one case of the Chicano peoples was heard under Item 13 entitled Measures to Improve the Situation and Ensure the Human Rights and Dignity of all Migrant Workers. In that intervention the National Chicano Human Rights Council asserted that the 1848 Treaty of Guadalupe Hidalgos entered into between Mexico and the United States, guaranteed numerous legal rights and protections for indigenous inhabitants whose identity was suddenly altered by theft through annexation of indigenous territories by the United States. An action not unlike Iraqs' action in Kuwait over a year ago. The situation of Chicanos as distinct peoples and many other indigenous peoples confronted with an illegally imposed border, yields specific issues that have resulted in numerous human rights violations. While specific Treaty language concerns are addressed in the Working Group, there are no provisions in the Draft Declaration on Indigenous Populations for redress to indigenous peoples having never entered into agreements by states nor for treaties and agreements by states that excluded participation and consent of the indigenous inhabitants whose lives and territories are drastically effected by such agreements. This particular treaty is but one example of similar situations suffered by indigenous peoples in other parts of the world. Treaties and agreements made between states but never implemented have the power to consistently deny recognition and rights to identity, the consequence being to categorize indigenous peoples as »migrants«, »illegal aliens«, »immigrants« and displace« while still living in their own homelands.

The National Chicano Human Rights Council reported human rights violations effecting »migrant« workers, exposing the current slave trade being conducted by American growers, deaths due to deliberate exposure to pesticides, sexual abuse and rape of indigenous women, injuries and murder by border patrol agents and vigilante groups and the denial of indigenous peoples rights to cross freely and without interference at the American iron curtain, the U.S. -Mexico border. While the United States claims to represent the democratic ideal, the reality for a growing number of persons within the borders it currently asserts is quite the contrary. Militarization of the border has magnified the government sponsored policy of international terrorism against unarmed men, women, children and whole families who seek only to assert their internationally recognized human right to self determination and life with dignity. New developments have revealed violations occurring hundreds of miles beyond the illegal border in the aftermath of the recent riots in Los Angeles, California.

The media reports that the city is rebuilding and rehealing. The reality is that while residents cleaned up the streets, the immigration and naturalization border agents were deployed in heavily populated indigenous neighbourhoods to engage in illegal search and seizures, unlawful arrests and detentions, denial of due process, abhorrent detention conditions and unprecedented and unlawful cooperation between local, state and federal security forces. These actions have opened the way for forces to commit acts which are illegal under local, state, federal and international standards. Border violations now spread into inter-cities where indigenous peoples live. The xenophobic American public has fueled accusations without basis for blame including the media. It is our indigenous perception that the North American Free Trade Agreement currently being negotiated between Canada, United States and Mexico will serve to further exploit the non-development of an indigenous workforce.

We cannot expect that another agreement by Western governments will provide substantial protective measures consistent with existing international human rights norms. It is an unfortunate reflection on the international community that it is only after these revelations that a basis exists for demanding humane treatment for all peoples of Mother Earth. Aside from urgent border issues, the social and economic conditions of Chicanos and other indigenous peoples under foreign occupation effected by this border will be elaborated in one of two reports by our organization to be submitted to the working group, the second a detailed report pertaining to the riots.

In conclusion, it is our prayer that this Draft Declaration will soon become but one of the means for including the struggle of unmentioned indigenous peoples to demand their rights to self-determination and dignity. ❑

❖ NEW PUBLICATIONS FROM MINORITY RIGHTS GROUP ❖

ADIVASIS OF BANGLADESH
by Father R.W. Timm
and CCHRB

$ 5.95

NATIVE PEOPLES OF THE RUSSIAN FAR NORTH
by Nikolai Vakhtin

$ 5.95

WE HAVE ALLWAYS LIVED HERE
Learning Pack on The Maya of Guatemala
by Margaret Burr. Edited by Rachel Warner

$ 19.95

Minority Rights Group, 379 Brixton Road, London SW9 7DE, UK

Publication received

Forsyth, James

A History of the Peoples of Siberia. Russia's North Asian Colony 1581-1990.

Cambridge University Press, 1992. 455 pp, ill.

This book is the first ethno-history of Siberia to appear in English, analysing ethnographic and linguistic features of the indigenous peoples and tracing their history from the Russian conquest onwards.

After the 1917 revolution the new Soviet regime brought autonomy to the indigenous peoples. However, the policy of Russification further undermined the indigenous communities.

Their critical situation in the post-war period gave rise in the 1980s to a notable native rights movement.

Wadden, Marie

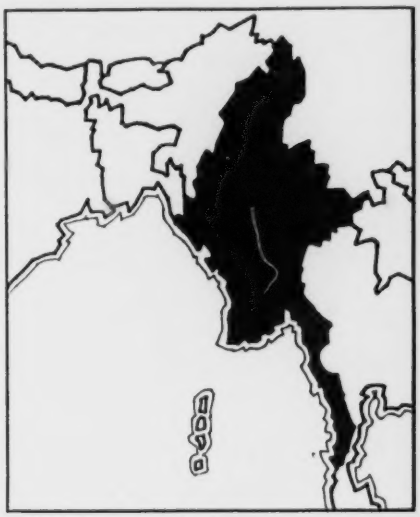
Nitassinan: The Innu Struggle to Reclaim their Homeland.

Douglas & McIntyre, Vancouver/Toronto 1991, 218 pp +-ill.

In the 1950s the land of the *Innu* of Quebec-Labrador, Canada, was invaded by large-scale industrial development. The people continued to hunt, fish and trap as always, but in the early 1980s jet bombers began to make test flights over traditional Innu territory, flying at speeds of up to 900 kilometres an hour and as low as 30 meters above the ground. The Canadian governments's plans to establish a massive NATO training centre in their midst was the last straw for the Innu. In a series of protest actions, the people occupied military runways and a bombing range. Hundreds were arrested, and their cause attracted worldwide attention and support.

United Nations Working Group on Indigenous Populations

Statement of the Karen National Union



Burma

I wish I could report that things are better in Burma. Unfortunately, the reverse is true. The State Law and Order Retoration Council, SLORC for short, is out to subjugate all the peoples of Burma.

During the dry season last year, the military launched a major offensive against the Karens who live near the border with Thailand. The state radio announced that they would wipe out the Karen capital, Manerplaw, by March 27, 1992. This goal was not achieved. Because of the rainy season, there is a temporary lull in the assault.

To the north, the Kachins who live near the Burma-China border also come under heavy attack. SLORC built roads through Kachinland, supposedly to enable farmers to bring crops to market. In reality, these roads give easy access to SLORC troops.

On Burma's western border with Bangladesh, over 200,000 refugees from the Arakan states have poured into Bangladesh. Even today, they still pour in at the rate of 700 to 1,000 each day.

The majority population, the Burmans have also suffered at the hands of SLORC. During the 1988 demonstrations for democracy, thousands of students and other citizens were killed. About three thousand fled to minority-controlled areas. The leader of the movement, the Nobel Laureate Daw Aung San Suu Kyi still remains under house arrest.

Except for people with strong military connections, the rest of the peoples in the cities live as if they are on quicksand. Any wrong move and they can be taken away.

In the countryside, thousands of villagers, both men and women, have been enslaved by SLORC troops in their attacks against indigenous peoples. They are randomly taken off streets or forced from their homes. They carry very heavy loads up and down mountains with little food and water. They suffer innumerable atrocities. Less than half survive.

The military has always sought to undermine solidarity and use many methods to divide the peoples of Burma. They single out indigenous groups to make them vulnerable. In November of 1991, SLORC officials claimed that they needed to document physical statics from 500 Karens living in the cities for what they claimed was a U.N. agency project. Blood samples were drawn from these people, measurements of circumference of head, length of nose and size of jaw were taken. It is unclear what the purpose of this exercise was – whether it was a case of harassment, or a systematic attempt to infect these peoples with a particular disease.

Recently, many villages along all the frontier have been destroyed. The villagers were forced to cut down their fruit trees. Their livestock was destroyed and they were relocated to concentration camps.

The Universities in Burma have been closed for three years.

Over three hundred university professors and lecturers were sent for re-education because they could not control their students during the pro-democracy demonstrations.

Madam Chairperson, I submit to you that the condition of the peoples of Burma is extremely grave. The problems of Burma have gone beyond national boundaries. The peoples of Burma look to the United Nations to help bring peace to their country. ❑

United Nations Working Group on Indigenous Populations

Statement of the Observer Delegation of the Union of Myanmar

By U Mya Than

May I begin by congratulating you on your unanimous election as the Chairperson / Rapporteur of the Tenth Session of the Working Group on Indigenous Populations. Your consecutive elections to the chair of the Working Group since its very inception bears testimony to your extensive expertise and profound wisdom and the substantive contributions you have made to the Working Group. Our congratulations also go to the other distinguished members of the Working Group.

Madame Chairperson,
Allow me to apprise the Working Group briefly about the racial harmony which so happily exists among the national races in my country and also some of the measures that we are currently implementing in Myanmar for the advancement of our national races.

The Union of Myanmar is made up of eight major national races which can be sub-divided into 135 national racial groups. These major national races are Bamars, Shans, Kayins (Karens), Rakhines (Arakanese), Mons, Chins, Kachins and Kayahs. These national races are indigenous national races of common Mongoloid stock.

Ethnologists agree that the peoples of Myanmar are of Mongoloid stock. Philologists have identified that the language of the majority of the people of Myanmar is derived from the Tibeto-Burman, the Tai-Chinese, and the Mon-Khmer groups. Hence, the indigenous races of Myanmar namely Bamars, Shans, Kayins (Karens), Rakhines (Arakanese), Mons, Chins, Kachins and Kayahs have their ancestors going back to many centuries. Historians, ethnologists and anthropologists firmly maintain that our ancestors go back over 3000 years -approximately between 1300 – 1200 B.C. These Mongoloid ancestors came from the Central Asian tableland.

In ancient days, the whole of northern Myanmar and a large part of the southern Myanmar were a vast wilderness of almost uninhabited forest country, and an immense El Dorado waiting for settlement. The existence of these empty spaces forms as a magnet inducing large migration from the earliest known times. The migrations were not continuous and speedy but intermittent and gradual. It took the immigrants centuries to reach Myanmar.

There are no distinct early comers and late comers.
We in Myanmar do not have any problems of indigenous populations which are being dealt with by this Working Group.

Traditionally, the internal relations between the indigenous national groups referred to earlier have been one of political, economic and social interaction resting on a pattern of mutual accommodation. The interaction among these national racial groups moving towards integration, harmony and national synthesis constitutes a continuing theme in the recorded Myanmar history.

The Union of Myanmar is a State composed of seven states and seven divisions. ALL the major national races and the national racial groups which I have referred to earlier have lived together from the time immemorial in weal and woe. It is our firm conviction that the strength of the Union lies primarily within our country, not without. Successive governments including the present Government of the State Law and Order Restoration Council steadfastly adhere to this national view. The three main causes of national integrity, national solidarity and national sovereignty are the cardinal pillars of our Union.

Let me touch briefly on what my Government is doing to uplift the economic and social standards of the people, particularly with regard to our national races living in the border areas. As one of the basic steps towards that goal, my Government is implementing a programme for the development of a border areas and national races. The main thrust of the programme is to lay the infrastructure for economic and social development. These include building of roads and bridges, schools and hospitals, dissemination of modern agricultural techniques and distribution of high-quality seeds; distribution of electricity, expansion of telephone networks and modernization of the communications systems; and growing of cash crops to replace poppy cultivation. My delegation would like to draw your attention to the fact that these border areas have not, until the advent of the State Law and Order Restoration Council, received much attention for promoting economic and social development projects. Nine U.N. agencies are co-operating with the Myanmar Government in the implementation of the development programmes of the border areas. As a result of the successful implementation of this programme, the Myanmar Government has won the hearts and minds of the national races in the border areas.

My country is currently undergoing a major transformation, Both economically and politically. Since the latter part of 1988, we have replaced the centrally-planned economy with a market-oriented system. Private enterprises not only with respect to domestic enterprises but also foreign enterprises are being welcomed. Numerous foreign enterprises large and small are in Myanmar playing a role in the development of the economy. In the political arena, the State Law and Order Restoration Council recently held a Coordination Meeting with the representatives-elect from the political parties and independents to discuss and coordinate the

convening of a National Convention. Political parties represented at the meeting included parties representing the national races of Myanmar. The purpose of the National Convention is to lay down basic principles to be included in the new Constitution to be drawn up by the elected representatives. This new Constitution will be based on multi-party democratic system in accordance with the wishes and aspirations of all the national races in the Union.

Earlier, I have referred to the great importance attached by my Government to national solidarity. With a view to securing amity among all national races, all military offensive operations in the Kayin State have been suspended since April 1992. Offensive operations against other armed terrorist groups were also suspended at the same time. Armed insurgent groups which have renounced the path of armed struggle and returned to the legal fold will be permitted to participate in the ongoing political process.

Madame Chairperson,

In your opening statement of this session, you have wisely counselled to the effect that this Working Group should not be used as a platform for airing complaints or making allegations directly or indirectly. My delegation notes with regret that a certain person under the name of an organization has taken advantage of this forum. I must say that that organization represents an armed organization engaging in activities which have degenerated into terrorism, ravaging the remote countryside. Although this organization ostensibly places the cause of that national racial group in the forefront, in practice they are unlawfully exacting levies from the rural population, tolls from black marketeers, and committing acts of cruelty such as mining motor vehicles and boats. The overwhelming majority of the people belonging to this national racial group are pursuing normal and peaceful life and are engaged in the political, economic and social processes of Myanmar. My delegation hopes that this forum will take the necessary measures to prevent people from such organizations to take part in the deliberations. ❑

IWGIA yearbook 1991

The IWGIA Yearbook gives an overview of the year's main events relating to indigenous peoples all over the globe. *US$ 10*

United Nations Working Group on Indigenous Populations

The UN Working Group – Where the Sublime meets the Ridiculous

By Andrew Gray

Any tourist planning a brief visit through the United Nations Palais in Geneva at the end of July is in for a surprise. In addition to the usual diplomatic coterie of governmental human rights representatives in shiny suits making good use of generous daily allowances to solve the problems of the world, the tourist will encounter a new experience. Gaping over the balcony in the New Building of the UN down onto the large coffee bar the visitor might well wonder whether they have stumbled upon a crowd scene for a futuristic version of »Custer's Last Stand«. Indigenous peoples of all kinds appear to have taken over the United Nations. Some of them may sport some colourful cloth or even the occasional feather and all of them exude determination – self-determination.

Two hundred indigenous representatives may not match the power of the UN but, by their presence, government representatives and UN officials are forced to face the real world. For once they have to face ignoble humiliations such as having to queue for a cup of coffee, wait for a taxi or even find that the smoked salmon in the restaurant has finished. The power of indigenous peoples in Geneva is small but significant and is highly apparent during the unique annual gathering of the United Nations – the Working Group on Indigenous Populations – when for two weeks the world turns on its head.

But if the Working Group should seem strange to a tourist, imagine the culture shock for those indigenous peoples who first enter the huge monstrous white elephant known as the Palais des Nations. Over a kilometre from end to end full of blue uniformed guards, highly made-up secretaries and well-scrubbed diplomats the Palais is a state of states.

Even more strange, however, are the bizarre activities which orbit around the Working Group itself. In 1992 these events took on a form hitherto unprecedented when an extraordinary event met the gaze of two Amazonian indigenous representatives. At mid-day they were returning to the UN building after a meeting in Geneva. At the gates of the Palais des Nations, the two young men were faced with a spectacle. On the grass square facing the entrance a strange ritual was taking place. Open-mouthed, the indigenous Amazonians marvelled at a group of what appeared to be White non-indigenous European Indians performing a dance. Were these real members of the Wanabee tribe – those who »wanabee« Indian? Stripped to their pale hairless waists, the men wore loin cloths and buskin boots, while the women danced around them with wooden carts containing clusters of children. At the centre of the melee, a group of South American highlanders played long pan pipes (zampoñas) around the lone figure of a wild looking man in a headband playing a conch shell.

This conglomeration of White Indians dancing to an indigenous tune while the indigenous delegates watched in wonderment and amusement encapsulates the irony of the whole Working Group process. At one moment the dance was a commemoration of 500 Years of oppression and resistance while at the next the indigenous world seemed to have stumbled upon some wild re-enactment of those Carl May novels which in the early part of this century established the role models for today's White Indians of Europe.

Inside the United Nations, however, a ceremony, no less strange, was taking place. Once again the performance was organised within a circle. The new building which hosts the Working Group contains enormous circular rooms capable of holding over 500 people. As in the dance, the majority of the indigenous performers are at the periphery of the ritual, although invited to participate. The weird circle of dancers in the meeting, however, are not White Indians, but another crowd of outlandish performers – representatives of governments.

The inner circle of the meeting consists of five legal experts from different parts of the globe who are engaged in setting standards for the rights of indigenous peoples. For two weeks every summer the experts listen to the statements of several hundred indigenous representatives who come from all over the world to make their cases known to the international community. The group have now a draft declaration of the rights of indigenous peoples based on the information tney have been receiving over the last ten years.

The Madame of Ceremonies is Dr. Erica Daes. An expert in international law from Greece, she receives much affection from the indigenous peoples for all her tireless

Erica Daes, Chairman. IWGIA archives.

work in promoting the Declaration throughout the difficult times of the Working Group. At the same time she commands respect with a strongly maternal manner and likes to have order in her meeting. Unlike the dance leader outside the UN, she does not play a conch shell from her central point, but crashes her gavel to keep the meeting's unruly dance in motion. Her reasons are usually to silence any indigenous representative whom she considers too garrulous or to wake up Working Group members and government representatives replete with excessive lunches taken daily between one and three o'clock. In this way the meeting gently wends its way through two weeks of discussion.

The meeting has for three years consisted of one week discussing the standard setting and the text of a draft declaration on indigenous rights while the second week is reserved for an account of the developments which have taken place in the indigenous world over the previous 12 months. This enables representatives who come from all parts of the world to explain the conditions under which they live.

Some of the more dance-like creatures of the insect world are bees. Inside the huge circular hall of the UN where the Working Group takes place, the roof is a blaze of light refracted by hundreds of hanging plastic rectangles into a veritable honeycomb. The impression is of being inside a large hive.

Four members of the Working Group sit at a horse-shoe shaped bench at the feet of the dais where the Chairman (her preferred term) presides. Buzzing around the queen bee of the Working Group are the worker bees from the Human Rights Centre whose job is to ensure the smooth running of the meeting by copying, co-ordinating and communicating with speakers. The worker bees gain little or no pay because the recession has hit the United Nations with a vengeance. If things go on as they are now, it will not be long before we see UN officials busking along with the White Indians outside the Palais.

Desperate for funds (which of course come from governments), the first rule of the Working Group is that you have to be polite to governments. They are usually referred to by terms such as »the distinguished representative from the observer government of...« and thanked profusely for their efforts. In contrast indigenous representatives are urged to limit their presentations and if they talk for more than ten minutes they hear a crash from the ubiquitous gavel and receive a call to silence.

The government representatives in the hive are the drones. Not only do most of them lounge at their desks, reading their papers and quietly dozing, but when they do speak you can be sure that they will send volleys of verbiage into the dizzy realms of bureaucratic rhetoric as they drone on (and on).

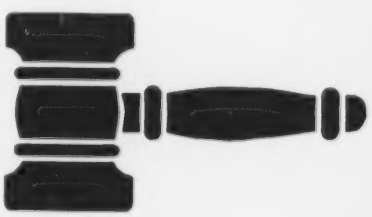
Although the Working Group is not a chamber of complaints, at this unique forum the supposedly powerless indigenous people do have an opportunity to tell the world and their governments what they feel. A well directed statement by an indigenous representative can have the marvellous effect of waking a slumbering government and enforcing a discussion. This is not always the case however. In order to manage the Working Group more effectively, governments have taken up ritualistic aspects of behaviour worthy of analysis by a bona fide social scientist.

India, for example, makes the same statement every year denying that indigenous peoples exist in their country. The same reference to the sociologist Andres Betaille to back up this claim has become a hardy perennial. Indonesia and Burma regularly accuse the participants of being terrorists – usually directing their comments at some benign indigenous monk or a retired elderly woman.

Occasionally some innovations occur which could lead to the invention of traditions. Bangladesh this year, for example, uncharacteristically made a joke. Well-informed observers apparently say that this was an aberration which will probably not be repeated. The ambassador referred to the possibility of UN Special Rapporteurs »under every nuptial bed«, a bizarre concept, even taking into consideration that in the Chittagong Hill Tracts the armed forces are probably there already.

The northern governments of Canada, Australia, New Zealand and the Scandinavian countries have their rivalries. Each delegation competes to be the most interested in the proceedings without being too progressive. Canada demonstrates its interest by bringing the largest delegation. When entering the room one can always spot the Canadians who, with a magnificent demonstration of over-kill, cluster in a gaggle of about ten around the microphone, anxious less any progressive statement should pass unchallenged.

Scandinavia and New Zealand usually show their interest by bringing indigenous delegates who join the government representatives at moments when nothing too substantial is under discussion. However Australia has been winning the competition in recent years by bringing its secret



weapon – Robert Tickner, Minister of Aboriginal Affairs. He successfully raises the status of the delegation and can talk as long as he likes – no gavel for a garrulous Tickner.

The sad thing about the government representatives at the Working Group is that more often than not, like Christopher Columbus, they don't really know where they are or what they are meant to be doing. Imagine the effect on a poor young Latin American diplomat with a sheltered upbringing and private education, hoping for a cushy few years in Geneva. Within two weeks of arriving in Europe he is thrown into the Working Group on Indigenous Populations. He is in a den of indigenous lions, who hang on every word as he tries to defend the indefensible. For some this could be the first exposure they have ever had to indigenous people and noting the high turnover rate for government representatives at the Working Group it is only too frequently their last.

The indigenous representatives are the majority in the meeting. Arriving from all parts of the globe they provide a dazzling and occasionally colourful array of costumes ranging from South Moluccan loin cloths, the occasional Amazonian feather and glorious textiles from Guatemala to the smart three piece suits of north American indigenous lawyers.

Clutching their texts, the indigenous representatives have to undergo a complicated routine in order to be permitted to speak. First they have to place their names on a speakers list. This involves finding the Secretary of the Working Group and joining a huge line of supplicants each of whom inscribes their name. In a matter of hours the list grows to an enormous length. A delegate needs second sight to work out when the time comes to speak. If you happen not to be in the room when you are called by the Chairman, you lose your chance.

The crowd scenes at the Working Groups are supplemented by the ever-increasing numbers of non-indigenous people scurrying to and fro. What a variety of persons join the throng. Braces of »distinguished« international lawyers, resplendent in the latest theories on self-determination, preen themselves and jockey for seats, clutching copies of their latest tomes on human rights.

Meanwhile dashing and delectable young supporters rush through the room collecting documentation to the distress of the Chair. At the end of each speech hoards of assorted observers pounce on the previous speaker to get the desperately

The humming of the beehive. Photo: IWGIA archives.

BEST COPY AVAILABLE

coveted copies of the speech. The bees buzz and the queen bee does not like disorder in the hive. The gavel strikes and a thunderous voice condemns the delinquents, ordering them to collect the papers at the back of the hall. But at the moment when the gavel crashes the bees immediately dive for seats and pretend they had always been sitting there. But as in a game of musical chairs there are not enough places available and someone usually ends up on the floor. Hands folded like naughty children caught out by the teacher, the participant tentatively tries to avert the gaze of the indomitable »She Who Must Be Obeyed«.

A plethora of onlookers are attracted to the honey pot of the Working Group. NGOs of all shapes and sizes find space to observe the proceedings, whether under the chairs and tables in the coffee room or hanging from the roof gallery. Furthermore clusters of students in strange styles of clothes observe intently from the wings of the hall. And then there are, of course, the anthropologists. Indeed they are omnipresent – armed with note books and tape-recorders. Lacking only pith helmet and back pack, they find in Geneva an exotic location, hitherto unstudied where they can home in on wild-looking delegates for scientifically guaranteed interviews. Indigenous peoples and their international fora are now the centre of study.

But pride of place has to go to the UN itself. The UN operates with its own police system and has controls which are laws unto itself. The indigenous participants at the Working Group have challenged these rules as never before.

The guards never check for bombs but babies seem to be the ultimate threat to the world order. Suspicious looks shoot out at young women as they pass – maybe they have a baby concealed in that brief-case. When a Mapuche delegate wanted to bring her baby into the building in a push chair this year extraordinary events took place. »No entry. Out of the question«, said the guards. When challenged to explain this strange behaviour, a long string of excuses streamed forth. »The wild peacocks are dangerous, they could eat the children«, they said imaginatively. No one had actually seen a peacock inside the UN building and those in the gardens are presumably as dangerous as the peacocks which adorn gardens of bars, restaurants and castles all over the world. The guards changed tack – »the children might fall down the escalators«. The young mother persisted whereupon the guards said that she could not enter because mothers with small children cannot do any real work. The outcry from indigenous and non-indigenous visitors alike to this treatment forced the UN to »make an exception« and in an unprecedented act respected both women's and children's rights at the same time.

Apart from the indigenous statements to the Working Group, the main debate at the meeting this year was the speed at which the declaration was to travel through the UN system – fast or slow. Indigenous peoples still feel that with such a large discrepancy between government understanding and indigenous aspirations no genuine consensus between governments and the indigenous peoples of the world can emerge quickly.

On the basis of the government statements it seems that most of them really had not understood the implications of indigenous rights. Many governments still think that self-determination will lead to the cessation of thousands of indigenous communities all trying to set up states. They are also afraid that recognising territorial rights will lead to the indigenous peoples becoming richer than the elites who oppress them. Furthermore the concern about cultural rights and self-governance places the even more horrible fear, that indigenous peoples might deal with governments in the same way that they have been treated through history. Hardly a practical approach to the issues.

The ultimate irony of the meeting was that the UN, which is one of the slowest, most cumbersome and laborious institutions in the history of mankind was being held back by the indigenous peoples at the meeting who wanted to take things slowly. But as an indigenous representative said – »we have been waiting 500 years for our rights to be recognised, so we can surely wait a little longer until people really understand what we want.«

On the last day of the meeting various rituals have to be performed. Miguel Alfonso Martinez, a member of the Working Group and international lawyer from Cuba, is working on a Treaty Study and other agreements among indigenous peoples. (A Cuban lawyer looking into among other things North American Treaties is another of the wonderful Working Group ironies.) Professor Alfonso Martinez regularly tantalises the meeting with the possibility that there will be no up-date – this year sickness and a malfunctioning computer were to blame. He asks for the floor – will he do it? Then as the gavel appears to rise in the air accompanied by a stern look from the chair, one and a half hours of report come tumbling out.

The afternoon ticks away with discussions on the Indigenous Year of 1993. The UN offers indigenous peoples everything as long as it does not cost anything. Maybe the UN will simply have to privatise itself and seek sponsorship. The Working Group could be sponsored by Coca Cola or world uranium interests... But this is only the beginning. Sponsored delegations could wear designer tee shirts and even official UN documents could be put out to tender – co-publishing with Penthouse perhaps – a Working Group centre fold even....

Then at the last minute, the delegates pull themselves together as the indigenous cavalry in the form of Cree lawyer Sharon Venn appears in the hall. She was supposed to have been elsewhere but had been the chosen delegate to make the indigenous peoples recommendation for the future of the Working Group. Either through some rapid train-work or a shamanic capacity of being in two places at the same time she arrives to present the indigenous proposal from 14 organisations advocating that the Declaration takes as long as is necessary to include fundamental rights for indigenous people. The gavel hovers in astonishment at this final surprise appearance and the Working Group agrees to take full note of the suggestion. Then the gavel smashes down to mark the end of the dance for another year.

However the overall impression of 1992 was the full ironic blending of the sublime with the absurd. The event which illustrates this so clearly was when the dance at the entrance of the gate to the UN and the dance of the Working Group itself combined. During the first week indigenous peoples wanted a period of silence for the indigenous peoples who lost their lives during the last 500 years. Initially it was refused. However the indigenous peoples themselves agreed that they would pursue the matter.

Permission was sought again and on the following morning the indigenous peoples stood around the room in a full circle.

Suddenly low melodious tones from Aotearoa arose from the centre of the hall. An elder with the spiritual strength of her ancestors silenced the room. An irritated Madam Chair left the meeting suspended and the gavel limp. The long melodious tones of Aotearoa were followed by sacred chants from Central and South America and prayers from North America. A spell bound moment united everyone – governments, indigenous people and observers all for a split second were part of the same circle.

Then the spell broke as a master of ceremonies emerged and the meeting attempted to dance around the room. Slowly but surely the governments, NGOs indigenous peoples lumbered around the hall like some headless giant chicken. As the melodious echoes of the indigenous chants died away the cumbersome shuffling of the delegates trying to work their way around the room caused several representatives to raise their eyes and look at each other. They began to laugh. The deeply moving prayers and the total absurdity of the dance faced each other uncompromisingly. It is this very blending of the sublime and ridiculous which makes the UN Working Group ultimately a deeply powerful political experience. ❑

IWGIA DOCUMENT 70 by Andrew Gray

Beetween the spice of life and the melting pot:
Biodiversity conservation and its impact on indigenous peoples

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Conservation and all that Jazz:

Lumad Defend Mount Apo National Park Against Government Onslaught

By Danilo Geiger

Philippines

»We datu (headmen, leaders), therefore, should prepare (...) because the demon, whose heart is eight dangkal (an indigenous measure) wide, is armed with a moon-shaped cane to whip us away from our land.
We are asking Apo Sandawa (...), Apo Tulalang and Apo Bayvagan and other bagani (warriors) of our ancestors to give us strength and the permission of the bamboo for our arrows, to the bahi for our balatak (shields) to fight anyone wanting to grab our domain from our race«.
Quote from the Declaration of Principles of the D'yandi Peace Compact, signed by representatives of nine Lumad *ethnic groups, April 13, 1989.*

Not since the 1970s have such fervent declarations against business and industrial encroachment on ancestral land been heard from the indigenous peoples of the Philippines. For five years now some of Mindanao's Lumad have been busy fighting off a demon called the Philippine National Oil Company (PNOC) which has tried to tap geothermal energy from a field below Mt. Apo, the Philippines' highest peak (2954 m.) and main settlement area of the Bagobo as well as other Lumad groups. At stake is also one of the richest botanical reserves in all of Southeast Asia and the last remaining habitat of the endangered Philippine eagle. Meanwhile, the former administration of Corazon Aquino showered scorn on national laws and constitutional prescriptions for environmental protection.

While the issue has lain dormant throughout 1990 and 1991, recent developments indicate a dramatic escalation of the conflict. While national and international interests focused on the presidential elections in May 1992, the Philippine government has used an apparent power shortage as a welcome excuse to send in troops to get the geothermal power through.

Sanctuary for Sale: a Brief History of the Conflict

In recognition of its unique ecological features, the Mt. Apo area was declared a National Park by President Manuel Quezon in 1936. Home to 84 species of wildlife, many of them unique to the country, Mt. Apo was included in the United Nations 'List of National Parks and Equivalent Reserves' and subsequently also proclaimed 'Heritage Site of the Association of Southeast Asian Nations' (ASEAN) in the early 1980s. According to both Philippine law and binding international covenants resource exploration, exploitation and other activities of a commercial nature are prohibited within National Parks.

In the 1970s, the Marcos government tried to invest in geothermal energy production in order to reduce the country's dependency on energy from oil, coal and hydropower. At this time the PNOC, Manila's leading energy exploration agency, had its eye on one of the most potent steam fields, the 500 megawatt Mount Apo field. By exploiting this field the Philippines, already the world's second largest producer of geothermal energy, could increase its geothermal capacity by more than 50 per cent. Armed with inadequate legal documents, the PNOC started exploratory activities in 1985, culminating in the construction of two wells and an 8.5 km road into a hitherto inaccessible part of the park.

It wasn't until 1987 and 1988 that government bodies under the Department of Environment and Natural Resources (DENR) finally intervened, ordering the suspension of the operations. A memorandum to President Aquino by the DENR Secretary, Fulgencio Factoran Jr., on July 25, 1988, called the development of geothermal energy within the park »patently illegal« and advised the PNOC to submit a thorough Environmental Impact Assessment (EIA) on the project's ecological and social implications. The issue drew also various calls for legislation to stop the project.

Owing to these impediments, and sustained by mounting pressure from Lumad

organizations and concerned church and environmental groups, the issue remained in limbo between December 1988 and January 1992. The World Bank and the Asian Development Bank (ADB), who were funding the project,were persuaded by the Lumad and international environmental and human rights organisations to stop giving further funding. On October 23, 1989 the World Bank announced that it was willing to defer its final decision until after 1992 and that it had advised the PNOC to look for alternative sources of funding for its controversial project.

Diverse but related concerns unite Lumad communities and organizations, the domestic environmentalist movement and the Church in opposing exploitation of the Mt. Apo geothermal energy field. A broad alliance called »Task Force Sandawa«, bringing together more than 12 indigenous and non-indigenous NGOs, has been formed in Manila to conduct national and international campaigns on the issue. Its activities have included, among others, incessant lobbying at the Congress, legal interventions, participation at international public fora and making a video about the issue. On 29th and 30th April, 1992, it held a Mt. Apo National Solidarity Conference.

Six of the approximately 18 ethnolinguistic groups which comprise Mindanao's Lumad are connected through direct territorial and spiritual bonds with Mt. Apo. The mountain massif is not only all that remains of the once extensive land base of these groups, but a crucial land mark in their social and spiritual universe. To the 900-strong Bagobo, Mt. Apo is the abode of important ancestral spirits and referred to as Apo Sandawa, the name of a mythical ancestor meaning »The One Standing Guard«. Bagobo deities like Mandarangan, a leading war god, rule over the area. It is no wonder that Bagobo spokespersons, like Datu Sauro Pontongan, compares drilling geothermal wells into Mt. Apo with drilling through the floor of Manila Cathedral. They explained:

»Apo Sandawa is the church of the Lumad where our grandparents used to make offerings. It is a holy place filled with wonders. If it is destroyed, our lives will have no meaning and our tribes and culture will disappear...«

The Bagobo regard themselves as the stewards of the mountain and as such entrusted by the spirits to preserve its ecological and spiritual sanctity. They were joined by other Lumad groups and outside supporters in October 1988 to present their first petition to President Aquino asking her to deny the PNOC access to their ancestral domain on Mt. Apo. When they failed to get an answer they began to fear the resumption of the project. On April 13, 1989, the Bagobo, along with allies from eight other Lumad ethnic groups, solemnized their opposition to the project by forging a d'yandi, a multilateral peace compact for mutual non-aggression and cooperation. In this form, the d'ayandi as a traditional institution dating back to the 13th century when, because of rising tensions between the Lumad and related Muslim groups they drew up a compact. A second d'yandi was drawn up more recently to curtail the encroachment of non-Lumad to the Mt. Apo territories after the Americans had established their rule over the island at the beginning of this century. In 1990 and 1991 the third and present compact was commemorated and ritually enacted, by the Lumad umbrella organization in Southern Mindanao, ALUHAMAD *(Alyansa ng mga Lumad sa Habagatang Mindanao Alang sa Demokrasya, or the Alliance of the Lumad of Southern Mindanao for Democracy).*

The county's fledgling environmental movement has eagerly taken up the issue, ascertaining and exposing the ecological facts. The environmentalists point to Mt. Apo's crucial importance as a watershed for all of Central Mindanao. In this region, they have estimated, a population of more than 123,000 could be affected by poisonous discharges from the wells which will feed the two plants to be constructed in the area. During the exploration phase sulphurous liquid waste has already led to

The price to pay: dead stands of timber from poisonous steam emissions, Apo 1-D. Photo: Danilo Geiger.

skin diseases among Lumad children and has killed several water buffaloes. The environmentalists concede that the 450 hectares for future operations are only a small part of the entire park, but maintain that they would affect the remaining stands of primary forest estimated to be now only 20 per cent of the park's 72,81 hectares. Pointing to the effects of the first road built in 1987, they predict that the construction of access roads to the projected 18 to 40 steam wells will sound the death knell for the park due to a large-scale influx of lowland settlers.

The environmentalists argue that other geothermal sites in Mindanao should be explored first before entering this ecologically sensitive area. The Asian Development Bank has already provided funds for this purpose. Moreover, they argue that the additional energy needed could come from rehabilitating existing hydroelectric plants and the further development of hydro-electric and other possible sources of energy.

Philippine environmentalists know that the outcome of this major confrontation with the authoritarian and developmentalist state is significant for the success of future struggles in defence of the Philippine ecosystem. To lose the battle for Mt. Apo would be a tremendous setback for both the »green movement« and local people's initiatives. Above all, in Mindanao, where denudation from logging has reached alarming proportions, the spontaneous barricading of logging roads by local communities has occurred has increased since 1987, while elsewhere in the country local protests are being directed against mining companies. Ecologist Pedro Walpole of the Jesuit Institute on Church and Social Issues hhas been quoted as saying:

»If we cannot protect Mt. Apo, we cannot protect anything in this country«.

The Catholic Church in the region, too, has been very vocal in condemning the PNOC project. The clergy of Cotabato including the Bishop have become strong allies of ALUHAMAD and, unlike for example the Provincial Governor, have not fallen for the PNOC's offers and promises. They are backed by the influential Bishops' Conference which in mid-1988 issued a strongly-worded pastoral letter in which it urged the nation to recognize the imminent environmental crisis.

Full Steam into Conflict: Escalation under Aquino

After it had been snubbed by the World Bank and blocked by the DENR, the PNOC resorted to a procedure well-tested in such cases: to soften up the executive branch of the government through political and/or economic pressure, and to produce questionable evidence of local consent and environmental compatibility. The company, on whose board figured half the cabinet of President Aquino, put heavy pressure on the DENR to reverse its stand. At the same time it came up with the names of private corporations from the US and Italy as well as Japanese government bank who allegedly were willing to step in with funding.

There were early signs that the government's Ministry of Environment, the DENR, was wavering in its commitment to uphold the law and the integrity of Mt. Apo National Park. At the beginning of 1989 it accepted the PNOC's Environmental Impact Assessment (EIA) (a legal prerequisite for any development project which may be potentially harmful to the environment and local populations). The ecological pressure group denounced the EIA for its glaring weaknesses and said it should not have been passed. Later that year the PNOC came up with the proposal to segregate its prospective operation area from the park's domain. By June 1989, the respective decree was ready to be signed by President Aquino, a legal move which would have obviated once and for all the necessity to comply with the laws pertaining to National Parks. Consequently, the

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SHORT NEWS · SHORT NEWS

Uruguay:
Blacks and Descendants of Indians in Search of Roots

By: Anahi Rama. IPS

In Uruguay, where the population is principally of European origin, minority groups of blacks and descendants of native americans have sparked ethnic movements with particular energy in recent years.

Blacks, who constitute four percent of the population of three million Uruguayans, are organising themselves in pursuit of a real cultural and social presence in Uruguay which, in their opinion, suffers from unconscious racism.

»Mundo Afro« which seeks to represent the 140.000 Uruguayan descendants of Africans, belives that racial integration in Uruguay is minimal because »the channels of participation have allways been blocked for us«.

Spokeman Homero Rodriguez told that the group plans to organise counter-demonstrations to the official celebrations of the 500th anniversary. »We will analyse the real meaning of these 500 years in which our communities have been despoiled and reduced to poverty. But we also plan to make concrete proposals to the situation we face today«.

Since slave days, blacks in Uruguay were destined for service and menial jobs. Montevideo was one of the principal ports of entry in Latin America for black slaves. Currentiy, 75 percent of black women are domestic servants, according to private studies.

In the year of the quincentenniel of the arrival of the Spaniards in the Americas, descendants of indigenous peoples also have begun to organise. They seek to change the negative images of their ancestors common among Uruguayans. Uruguay's indigenous population was wiped out in the last century.

Two years ago, an indigenous-descendants group sent petitions to Parliament in which asked for the modification of various aspects of indigenous affairs, »from their image as a group to their geographic location and evolution«.

Most Uruguayans see the Charrúa Indians, ancient inhabitants of the Republic's territory, as a quaint but largely irrelevant aspect of their society which had little to do with the development of Uruguay, unlike the orle of indigenous peoples elsewhere on the continent.

The name »Charrúas« has come to be applied to all Uruguayans outside the country, but their internal image is a product of one-sided school textbooks.

According to some texts currently in use, the Charrúas were »unproductive, sullen, uncivilised, sad, always serious and expressionless«, and had »deformed and mutilated features«.

On April 11, 1831, Spanish and indigenous soldiers fought a battle known as »Salsipuedes«. In reality, says Elena Amestoy of the Indigenous Association, the »battle« was really a massacre.

After this event, the last remaining indigenous, Vaymaca Peru, Senaque and Guyunusa, were sent to Paris to be exhibited in a Museum for the French Republic.

The Association has asked the Uruguayan legislature to solicit the repatriation of the remains of these Charrúas to their native land for burial. A number of Uruguayan mayors have supported the request. Unfortunately, the Uruguayan Embassy in Paris has been unable to locate the remains, leaving open the question of what became of them. ❑

Ethnocide against the Udege

A small group of *Udege* people in the Bikin River Valley in the North Primorije Region of Far Eastern Russia, is being threatened by a major forestry project. These Udege stand to lose a substantial part of their traditional territory. The proposed logging activities of the joint Russian-South Korean logging company »Svetlaya« is expected to produce an ecological catastrophe.

The Udege are a Manchu-Tungus people living in the Sikhote-Alin Mountains in Far East Russia, several hundred kilometres to the north of Vladivostok and east of the Usuri river. Before they were colonised by Chinese and Russians, the Udege were hunters. While their neighbouring relatives, the Nanais, adopted a sedentary lifestyle, the Udege retreated to the mountains when they came under pressure from Chinese and Russian farmers. Eventually, many Udege ended up as bonded labourers in Chinese farms. The Udege resisted forced collectivisation longer than the Nanais, however, today their 2,000 year old culture is under threat and only about 30 per cent of them still speak Udege as their first language.

The exploitation of the rich forest reserves of the Sikhote-Alin Mountains has gone on for many years. The logging of the virgin forest reached such proportions in 1990, that the Supreme Soviet and the Local Soviet (locally elected council) of the region persuaded the USSR State Forestry Committee to hand over the whole Samarga River Valley to the Udege. The Samarga River Valley lies to the north of the Bikin River Valley in which the Svetlaya joint venture company now seems to have obtained logging concessions.

Many years ago, the Udege people in the Bikin River Valley lived in twelve small villages, but since the late 1950s they have all been settled around the state farm in Krasny Yar. Six hundred of the seven hundred inhabitants in Krasny Yar are indigenous Udege and Nanais.

The Svetlaya join venture was established in 1990 between the Russian Primorsklesprom Company and the Korean Hyundai Corporation. Its main goal is logging in the Ternei and Pozharskij areas and the North Primorije region. As a former director of Primorsklesprom, Eduard F. Grabovski declared that the joint venture was intended to work »for the development of Northern Primorije areas while observing the legitimate rights and interests of the indigenous population«. Among the reasons for this opposition was that the Upper Bikin River Valley is an ecological vulnerable region with a rich fauna of rare animals.

A state committee, under the leadership of Yevodikiya Gayer (herself an indigenous Nanai), concluded in March 1992, that the project had not taken proper environmental precautions, the consequences for the local Udege had not been satisfactorily considered and, furthermore,

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that the Upper Bikin River Valley should not, under any circumstances, be subject to logging activities. In conclusion, the state committee declared the project illegal.

This was followed by widespread local protests. On 20 March, the village soviet in Krasny Yar declared itself a National Soviet, a decision which was endorsed by the District Soviet in the Pozharskij District and by the Promorskij Regional Soviet. This decision implies that land use management in the Upper Bikin River valley and the Middle Bikin River Valley is transferred to the people in Krasny Yar.

In fact, the company violated the territorial rights of the Udege and other indigenous peoples from the very beginning. More than 60 per cent of the logging is planned to take place in the most vital parts of the local inhabitants' traditional lands.

Shamefully, a head of the Primorije Region administration, Vladimir S. Kuznetzov, supported the company against the indigenous peoples. In his Decree No. 165 of 11 June, 1992, he defined their traditional subsistence territory as including only the Middle Bikin River Valley. If this is accepted it will leave the indigenous peoples with only 408,000 hectares of land instead of the 1,250,000 they claim. The regional administration's decision was taken in spite of a direct order from the Soviet that the Middle Bikin River Valley become territory for traditional use. The Decree also violated a Presidential Decree making such an action illegal without prior consultation with the indigenous association.

Further, in his decree No. 455-R of 21 July, the Head of the administration went to court. The Court did not recognise the rights of indigenous Udege. The latter have now sued Vladimir S. Kuznetsov for promoting the encroachment on their lands and have taken the case to the Russian Supreme Court.

The Udege now appeal for support from the world community in their struggle for justice.

At the first conference of the International Arctic Social Science Association held in Quebec in early November, a resolution was adopted in support of the Udege.

IWGIA recommends all concerned peoples to write letters of protest to President Boris Yeltsin, The Kremlin, Moscow and to the President of the Hyundai Corporation, K.P.O. Box 82, Seoul, South Korea. ❑

Brazil:
New Invasions in the Yanomami Area

The Brazilian military is continuing its claim that the demarcation of the Yanomami Area is unacceptible because it covers a large area along the border with Venezuela, and as such is a threat to national security. The Commission for the Creation of the Yanomami Park (CCPY) has denounced the military posts which the Armed Forces have set up inside Yanomami territory.

According the the CCPY, during the UNCED meeting in Rio in June, 1992, there was a new invasion into Yanomami territory. At least 1,000 gold prospectors, the so-called *garimpeiros*, are occupying the indigenous areas of Aracaça, Alto Camacri and various places in the Sierra Parima. The garimpeiros have their equipment and food flown in by small single-engine planes. The National Indian Foundation (FUNAI) said it had seen and heard light planes passing over all its bases in the indigenous area.

During the first week in July, four light planes were detained near Yanomami territory.

In spite of the fact that this invasion is not on the scale seen previously, the CCPY fears that if the Brazilian Government does not take action immediately the invasion could get out of control.

Source: CCPY ❑

Film Festival in Estonia

Film makers from East and West, North and South meet each year in the former Soviet Republic of Estonia to present their latest documentary films. Most of the films are about indigenous peoples around the world, many are made by indigenous peoples themselves.

This year from 5 – 12 July the Sixth Annual Anthropological Film Festival was held. It took place in the Estonian town Pärnu, in southwest Estonia.

As usual, the festival programme comprised a mosaic of cultural images from all over the world. Covering a broad field of issues such as indigenous peoples, minorities in European countries, sexual minorities and archaeology, the festival was an instructive event.

In general, a lot of attention was paid to the Arctic peoples at this year's festival. It seems as if this huge area is regaining its preeminent position with the western, at least we hope so.

Among the participants were several film makers from the former Soviet Union, as well as from Finland, Denmark, America, Germany, Australia, France, Brazil, and Estonia itself.

The 40 international participants together with their Estonian hosts combined to make the festival cheerful and enjoyable. During this week of film showing and conferences, many interesting issues were discussed and new friendships begun.

Awards were given to films shown at the festival. The prize for the best Nordic film was awarded to Semjon Yermolayev for his film *The Song of the Daavo*. Vyacheslav Semjonov was recognised as the best film maker. He presented his latest documentary film *At the Upper Ollongro*. Both Yermolayev and Semjonov are from the Republic Saha (former Yakutian Autonomous Republic in the Russian Federation). Their respective films show aspects of the lives of the Evenkian peoples, but at the same time, they provide an insight into their problems of cultural survival and the forces they are up against: pollution, poverty, shortage of land, and the authorities' lack of understanding and care for the indigenous people of the Far North.

The Grand Prize was given for the film *A Visit* made by the young Finnish film maker Kari Happonen. *A Visit* tells the story of a young man who lives in a small rural village in Eastern Papua New Guinea. A girl from the neighbouring village appears unexpectedly and points identifies him as the father of her unborn child. Her family demands that he marry her and give them 45 pigs as bridewealth. To get money to buy the animals, the man

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goes to stay with his cousin in Port Moresby. The film shows the young man's meeting with the very different life in the city. The film is quite original as both a narrative-documentary as well as an anthropological documentary.

The Estonians who were hosting the festival and screening the films about the cultural riches and troubles of other parts of the world, are themselves going through times of hardship and cultural change. Estonia is a newly independent country, starting from scratch to create a national democracy, a national economy, and not least, a national identity. Russians constitute a large minority in Estonia; a fact that causes many ethnic problems in the society. History is still present in the streets of Pärnu and in the heart of the Estonians. As well as being an important international event, this film festival and the other cultural events are seen as a means of trying to solve the unhappy situation of ethnic unrest and to remedy many years of isolation.

Next year's festival will take place from the 5 – 12 September, 1993. For further information, please contact:

Mark Soosaar
Pärnu I.V.A. Society
10 Esplanaadi St.
P.O. Box 150
Pärnu EE3600
Estonia
Phone: 7 014 44 40804
Telex: 173 134 SU1

❑

Nunavut

The 18,000 Inuit living in the Canadian Eastern Arctic have now finally approved a land claim settlement. The settlement, which was entered upon with the Federal Government in Ottawa, will give the Inuit control over a large part of the Arctic and make the creation of a new Inuit-controlled territory by the end of the century a near certainty.

At a referendum held from the 3-5 November, the land claim agreement was approved by 69 per cent of the eligible Inuit voters. Eighty per cent of the 9,648 voters turned out, which implies, that about 86 per cent of the votes cast were in favour of the agreement.

The road has now been cleared for the establishment of the self-governing territory of Nunavut. Within the future Nunavut territory about 85 per cent of the population is Inuit, which implies de facto self-government for the Inuit.

The road to Nunavut has been long. The first proposal was launched by the Inuit in 1976. Since then negotiations between the Inuit and the Federal Government have had two goals: to enter upon a land claim agreement and to establish a new self-governing territory.

As opposed to the land claim agreement which confers specific rights to ethnic Inuit, the creation of Nunavut territory means self-government for all its inhabitants.

In a plebiscite held in May this year a majority of the voters in the Northwest Territories adopted the proposed boundary to divide the Northwest Territories, which will separate the Inuit land claim as well as Nunavut from the rest of the Nortwest Territories.

The next step in the process was the signing of a political accord by the Federal Indian Affairs Minister, Thomas Sidd, on 30 October 1992. The political accord will set up Nunavut before the end of the century. The accord sets out the Government's commitment to finance the costs of establishing the new territory. However, the accord would never have come into force had the land claim agreement not been endorsed by the Inuit in the referendum in early November.

The Government`s approval of the whole package is considered a formality. The necessary legislation will be introduced next year but since all political parties are in favour, Nunavut seems now to be a reality. Congratulations. ❑

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PNOC approached Bagobo communities, urging them to identify the locations of their sacred sites for the company to prepare the parcelling-up of the mountain. This, of course, was turned down by the Bagobo whose spokespersons made it known that Apo Sandawa was »sacred from its foot up to its peak«.

By proposing that there be segregation, DENR's Secretary Factoran proved that it was more concerned with the predicament of the legal formalities rather than by the prospective destruction of a prime wildlife sanctuary and botanical garden. The DENR in fact had put itself in the ridiculous position of suggesting the removal from its own jurisdiction the centrepiece of its forest reserves system.

Finally, on May 2, 1991, Factoran was quoted on the issue by the Manila newspapers as saying: »It is too early to talk about conservation. We have to consider development first«. He argued that levels of energy production were down and therefore investments were no longer coming in. Two weeks later, the DENR chief announced his approval, in principle, of the project, provided that the PNOC complied with a set of conditions related to its ecological and social impacts. This, of course, drew heavy criticism. As independent lawyers' groups such as the Legal Rights and Natural Resources Center (LRC) have pointed out, the whole procedure encapsulated in the Environmental Impact Assessment, System rightfully applies only to »regular« projects in areas without special status. Where National Parks are concerned, the decrees which created them must be upheld over any other legal provisions, the LRC stated.

On January 14, 1992, when Secretary Factoran signed an Environmental Clearance Certificate (EEC) on behalf of the PNOC, the government, according to its own reading of Philippine law, closed the issue. This came in the wake of a presidential instruction to approve all pending energy projects calling the severe energy crisis an emergency. Indeed Mindanao has been experiencing power failures for as much as 12 hours per day since January, 1992. While this is new to Mindanao, power shortages on the main island of Luzon have been a recurrent feature during the past years.

In a desperate last-ditch effort to stall the project, ALUHAMAD and its supporters, among them some legislators, made a petition to the Supreme Court, however, it was dismissed on a technicality. Later, on February 27 1992, in Kidapawan, 8000 Lumad belonging to several ethnic groups gathered for the biggest-ever mass mobilization in North Cotabato to demand the scrapping of the project and to counter the government's claim that it had obtained »critical mass support« for the geothermal exploitation.

It cannot be denied that some Lumad villagers living in the vicinity of the project seem to welcome the PNOC's presence. These people are either hoping for job opportunities and other benefits, or are simply afraid to defy the wishes of the influential Office of Southern Cultural Communities (OSCC), the government's agency in charge of indigenous people's welfare. However, the only Lumad organization in the region to have supported the government scheme so far is a dubious group called the »Cobato Tribal Consultative Council« which has no record of grassroots work in the province, but instead is known to be connected with the »Tribal Communities' Association of the Philippines« (TRICAP) under the government-favoured Datu Joseph Sibug, notorious already under Marcos for the sell-out of indigenous interests. On March 10 1992, the Cobato Tribal Consultative Council led a group of Lumad supporters of the project in staging an allegedly traditional ritual called 'pamaas' with the purpose of »driving away evil spirits which might hinder the construction of the geothermal plant«. Sibug's group, consist of Manobo people, whereas the mountain is known to be the traditional settlement area of Bagobo groups, claimed Mt. Apo as part of their ancestral domain and formally handed over 700 hectares to the government for exploitation by the PNOC. Carrying his bogus traditionalism still further, Sibug granted the Manobo honourary titles of »datu« and »bai« to leading officials of the National Power Corporation (NAPOCOR) and of the PNOC. Elders and leaders sympathizing with the movement for the defense of Mt. Apo have called this performance a »blasphemy« with no basis in Bagobo customary law. Moreover, groups connected with Sibug threatened to resort to violence against communities willing to resist the PNOC, raising the spectre of embittered feuding among the Lumad. A peaceful protest camp near the project site, held in mid-April by ALUHAMAD members to prevent the movement of heavy construction equipment into the area, was forced to give up due to the threat of attacks by both the police and by Sibug's people.

The PNOC started constructing access roads to the next batch of projected well

Theirs to defend: Kidapawan, April 13, 1989. Photo: Danilo Geiger.

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sites last April. This alone will require the felling of at least 4,000 trees. According to some reports, the company hopes to have the first plant operating on a 20 megawatt capacity by 1993. Recently, however, the PNOC planning seems to be more cautious, scheduling the start of full-blown operations for after 1995. A budget of $120 million has been allocated by the company for future exploration, construction and production on Mt. Apo. Since mid-February, bulldozers and heavy constructions materials have been brought in under military escort.

In the face of stiff opposition by the majority of the area's indigenous inhabitants, the government has started to deploy troops and reportedly recruited up to 700 paramilitary soldiers, among them also Lumad. Moreover, there were attempts to cordon-off large areas surrounding the project site. Signs have been posted stating that anyone entering the area must be in possession of an authorised pass and the National Park has been closed to hikers and tourists. Observers and Lumad spokespersons are anxious that violence and bloodshed may be unavoidable when the PNOC starts deploying personnel and equipment on a large scale, even though recent communications from the Lumad resistance spoke of non-violent actions such as human barricades to prevent the company from occupying the project site, or a hunger strike by Bagobo elders.

The Bagobo have not only activated their bagani (traditional warriors) fighting forces, the rebel National Democratic Front (NDF) which has been waging a guerilla war against successive Manila governments for the past 23 years, has also warned the government that it would »oppose with all our strength and resources, including armed force, the construction of the Mt. Apo geothermal plants«. Fighters of the New People's Army (NPA, the NDF's military arm) have already, according to the press, mined strategic paths in the project area. On June 3, 1992, one of these mines killed a soldier and a militiaman and wounded another. The previous day PNOC installations had come under fire from the NPA.

A third force consisting of Lumad members of CAFGU (Citizens Armed Insurgency) units, has reportedly signalled that it would not hesitate to turn against the government if it should encroach on Mt. Apo again.

Hawk at the Helm: Developments and Prospects after the May 11 Elections

Corazon Aquino's six year term has brought the Philippines no clear departure from Marcos' autocratic rule. The elitist democracy erected under her presidency has proved unable to spark off the much-needed social reforms which could alleviate the misery of the great majority of the country's 63 million inhabitants.

A programme of land reform unworthy of the term reform has been carried out at such a slow pace that a Manila newspaper has calculated that it will take a minimum of 219 years to implement it fully.

The gross inequality in land distribution is one of the major causes for the perpetual dislocation of indigenous peoples by lowland settlers.

As in no other Asian country, the landed elite has managed to preserve its vast domains as well as its political power, whereas collective resources, above all the country's forests have been plundered at an unparalleled rate. According to a study by the World Bank from 1989, a mere 6 million hectares out of the 15 million which existed 30 years ago has remained forested, and of this not more than 1 million hectares is primary forest. Between 1969 and 1988 the forests have decreased at an annual rate of 2.5 per cent which is three times the global average for forest tropical destruction. During the six years under Aquino the Congress failed to enact laws that would have banned logging. The DENR is hopelessly understaffed and underfunded to curb the widespread illegal logging even in the most critical watershed areas.

Foreign debt has reached a staggering $30 billion with the debt service eating up 40 per cent of the annual national budget. According to the International Monetary Fund's classification the Philippines today rank with the so-called »lowest-income nations« alongside countries like Bangladesh.

The outcome of the May 11 presidential and congressional elections is not likely to change this situation. The new President, former general Fidel V. Ramos, is known as an old-style politician with no progressive inclinations. Ramos, a West Point graduate and veteran of the Vietnam and Korea wars, served under Aquino first as Chief of Staff of the Armed Forces and later as her secretary for Defense. Many of the Philippine people, however, still haven't forgotten that Ramos, in his functions as Chief of the notorious Philippine Constabulary (PC), bears much of the responsibility for the worst excesses of martial law under the Marcos dictatorship. Such memories of the general's not-so democratic past might account for the fact that he was elected with only 23.6 per cent of all the votes, which makes him the president with the weakest mandate in Philippine history.

If anything, Ramos' actions since his inauguration last June 30 demonstrate an attempt to repay debts of gratitude to the »kingmakers« to whom he owes his election success. Cabinet seats have mostly gone to the military-industrial elite, leading the Far Eastern Economic Review to coin the term »corporate cabinet«. The initial appointment of Edelmiro Amante, a Congressman with extensive interest in the logging industry, as Secretary of the Department for Environment and Natural Resources (DENR) does not augur well for the future of the environment and indigenous peoples in the highlands. Amante's reappointment following protests from environmentalist groups to the influential position of the Executive Secretary didn't make things much better.

In a surprising move, President Ramos has lifted the law that declared membership of the Communist Party (CPP) illegal and offered amnesty to Communist and Muslim rebels and right wing army renegades. Observers, however, are rather sceptical of the sincerity of the new President's approach to »national reconciliation«, citing his former hardliner positions and the fact that most political prisoners are presently detained under criminal charges and therefore do not qualify for release under the new law. Any hope for an end to the civil war which has been shaking the homelands of indigenous peoples for the past two decades might be premature. These observers suspect that the true motives behind Ramos' initiative was to gain some 'moral high ground' with which to blame insurgency movements for the eventual failure of peace talks.

Not surprisingly representatives of popular movements are afraid that the former general might rule with a iron fist. Nur Misuari, for instance, chairman of the Muslim Moro National Liberation Front (MNLF) expressed fears that Ramos' uncompromising policies could lead to another round of bloody confrontation in the

South. Indeed the first three months since Ramos' inauguration on June 30th has seen increased harassment and arrests of leaders of mass organisations, among them indigenous groups. Reports from the Cordillera in the north of the archipelago say that leading activists of the Cordillera People's Alliance (CPA) have been put under house arrest on arbitrary charges.

Likewise, Mindanao organizations report the disappearance of the Vice-Chairman of the Tribal People's Association of South Cotabato (KALUHAKU), together with another T'boli activist on August 4th, 1992. They had been assaulted and later taken to a police station on allegations that they were involved with the NPA guerillas. They have been missing even since.

The opposition to the Mt. Apo geothermal project has not rested since Ramos came to power. Quite the opposite: the project is moving ahead faster than ever. According to news reports last August, during a trip by President Ramos to Mindanao, he ordered the NAPOCOR to speed up the construction of the controversial power plant, assuring at the same time that only 700 hectares of the 55,000 hectares of forest cover on Mt. Apo will be affected by the PNOC's operations and that measures will be taken to minimize environmental damage.

The past few months have seen a feverish search for funding by the PNOC and the NAPOCOR. According to official sources the PNOC has withdrawn its funding request from the World Bank, owing to the high level of controversy surrounding the project. However, funding seems to have ben committed by the Export-Import Bank of Japan according to a news report on May 27th. The loan in question consists of supplier credits for an estimated 12 gas turbines. The bulk of the credits are extended to a Japanese construction consortium made up of Mitsubishi Heavy Industries, Fuji Electronics and Toshiba.

All in all, the Export-Import Bank is said to have committed a total of 710 million dollars for energy projects in Mindanao, of which some $220 million dollars have been earmarked for Mt. Apo. However, in a response to the London-based Philippine Resource Center (PRC) the Bank recently stated that funds have not yet been finally committed – a sign that the institution is disturbed by the intensity of the controversy in the domestic as well as international arena. This is a sign of hope for the beleaguered Lumad communities.

The Chico Dams Revisited: a Final Analysis

Why have both the Aquino government and its successor clung so firmly to a project whose implementation will most probably provoke violent confrontation and lasting social unrest?

The geothermal energy of Mt. Apo is a major component in the government's Energy Development Plan for 1991-2000. It also figures prominently in the so-called Letter of Intent required for Third World governments to qualify for eventual loans from the IMF and World Bank. The government is aware that foreign investments which it so desperately seeks hinge on there being plenty of energy available. It is safe to assume that the Mt. Apo geothermal programme has been chosen to demonstrate Manila's resolve and capacity to provide foreign companies with sufficient energy.

The Aquino government contends that a) there is a serious power shortage and b) this shortage can be redressed by constructing the Apo plants. First, it is an undeniable fact that the country's hydropower production (which is used to cover at least 20 per cent of the total energy consumed) has decreased substantially over the past years, owing to the government's careless management of watershed areas. This has resulted in dramatic degradation of soils in hilly and mountainous regions and, as a consequence, reservoirs are being silted up and there are droughts during the dry seasons. The power shortage, at least in Luzon, is a direct result of deficient environmental policies and cannot be remedied by building power generating facilities in other sensitive watershed areas such as Mt. Apo.

It is important to bear in mind that the Mt. Apo plant's capacity will absorb only 4 per cent of the projected additional energy needed nationwide. Moreover, there are suggestions that Mindanao's own power shortage this summer might have been artificially created to help the PNOC's in its bid to exploit Mt. Apo. Ecologists say that the mountain's geothermal potential hardly justifies the tremendous social and ecological costs of the project, and that the upgrading of existing facilities would be more rewarding. Indeed, some critics argue that the real issue for the government in the Mt. Apo case is not the energy reserves in the depths of Apo Sandawa, but to stake a claim to the commercial exploitation of natural resources in protected areas in general. This has to be seen in the light of recent pressure by the World Bank to turn all the country's remaining primary forests into tightly guarded National Parks.

The lure of land: settlers's newly-eructed huts along the access road to Apo 1-D. Photo Danilo Geiger.

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It is with bitter irony that Jimid Mansayagan, Secretary-General of the island-wide Lumad organization **Lumad Mindanao**, tells of how Bangobo elders in 1936 rejoiced to hear the news that the heart of their territory had been proclaimed a National Park. They believed that the government had entered into a d'yandi with them under whose terms there would be respect for each others' territories and amicable relations.

The Philippine government has proved a treacherous ally to the Bagobo. Its concern for the integrity of Mt. Apo and the primordial rights of the Lumad inhabitants have been exposed as mere posturing. The DENR has ceased to be an honest advocate for the Philippine environment, much as those who once chased the dictator Marcos from power long since have dropped their guise of championing the cause of a more just and humane society.

Now that the Philippine government has decided to relinquish its authority over Mt. Apo National Park, it looks like its fate – and the Bagobo's along with it – is going to be decided in Tokyo. Widespread though unconfirmed suspicions on the part of international critics of the project suggest that the World Bank money might find its way in through the back door by means of the possible involvement of the Asian Development Bank (ADB) – a World Bank affiliate – or as part of an unspecified Energy Sector Loan. Confronted with the Government's »evidence« of a grave energy crisis, the Banks might be inclined to give ecological considerations second priority again for fear of stifling the national economy or, in the case of the Japanese, in favour of profitable investments.

It can only be hoped that the officials responsible are aware of the striking similarities between the events unfolding on the slopes of Mt. Apo and those 15 years ago in the north of the country when the World Bank's money went to help inundate the villages and fields of some 100,000 Kalinga and Bontoc peoples through the construction of the Chico Dams in the Cordillera Central. The fierce resistance of the Kalinga and Bontoc peoples prompted the cancellation of the project and what one writer has called »Mc Namara's (the then World Bank President) Vietnam«, alluding to the Bank's spectacular defeat in an endeavour it had accorded prime importance. Then as now the indigenous opposition to the project resorted to traditional political institutions to confront the state's aggressive developmentalism and the rebel New People's Army (NPA) offered the tribal people help in defending their besieged domains.

Then as now, Manila technocrats reject the suggestion that the majority of the indigenous inhabitants of the contested areas are either uneasy about the project or actively resisting it. IWGIA received a taste of the PNOC's loss of contact with reality lately when it appealed for the project to be cancelled This appeal was met with a response from the NAPOCOR stating that no one was expecting any unrest and bloodshed as a result of the decision to go on with the project. The reply, signed by NAPOCOR's Pablo Malixi, continued: »If there will be any, it will not come from the potentially affected tribes because they have signified their approval of the project.« International solidarity networks are well advised to correct such distorted perceptions by the people of power in Manila.

Protest letters to the following institutions and government officials are of crucial importance at this point:

Masaaki Horiguchi
Director General
Loan Department I
The Export-Import Bank of Japan
4-1 Ohtemachi 1-Chrome, Chiijoda-Ku
Tokyo 100
Japan

President Fidel V. Ramos
Office of the President
Malacanang Palace
Mendiola, Manila
Philippines

Hon. Angel Alcala
Secretary
Department of Environment and Natural Resources (DENR)
Visayas Ave. Quezon City
Philippines

Mr. Pablo V. Malixi
President
National Power Corporation
(NAPOCOR0)
NPC Bldg., BIR Road,
Diliman, Quezon City
Philippines

Chief Justice Andres Narvase
Supreme Court
Republic of the Philippines
Taft Ave. Manila
Philippines

Mr. Monico V. Jacob
Chairman
Philippine National Oil Company
(PNOC)
PNOC Bldg. 7901
Makati, Metro Manila
Philippines

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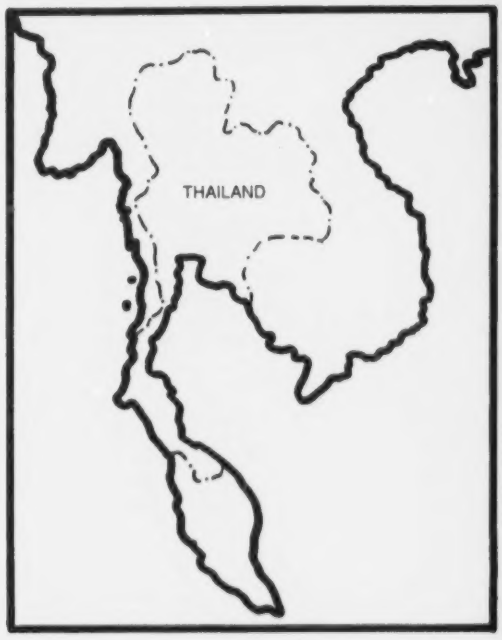
Hill Tribes in Thailand: Victims of Development?



By Joep Oomen, Impress

It is barely an hour's drive from Chian Mai, the capital of Northern Thailand, to the village of Doi Pui, a settlement of 50 families of *Hmong* hill peoples. This makes it an ideal place for tourists to come to get a quick impression of hill-tribe life, rather than have to join one of the many trekking tours offered by the city's tourist agencies. The advertisements tantalise with slogans of »Real forest, Real tribes« and the guides promise trips to places where no other tourist ever went before. But there is hardly a Hmong, Akha, Lisu, Karen or Yoa village left where the children have not learned to shout »beautiful, beautiful« as they show a pile of colourful bracelets to potential customers who have come from far away.

Doi Pui is the most extreme example of the development of tourism in the hills of Northern Thailand. There are no farmers left in the entire village. All the streets are covered with market stalls offering the kind of goods which the tourists want: typical hill tribe style dresses, gold and jade jewellery and heroin. Judging from the amount of heroin on sale, Doi Pui could compete with Amsterdam's red light district.

At one end of the village a hill tribe museum has been built. Inside a in between the opium pipes and the traditional agricultural tools, there are signs describing the hardships which the hill peoples experienced when they lived an isolated existence growing opium on slash and burn plots. But now, the visitors is invited to conclude, thanks to development efforts by the Thai government together with international cooperation, the hill tribes are becoming »real« Thai citizens.

Thou shall develop

Up until the last 25 years, Thai region of the Golden Triangle was remote with virtually no roads and even clearly marked borders with neighbouring Burma and Laos. The hill people lived a dispersed nomadic way of life in this area being pushed to and from by unfriendly governments or lack of fertile land. Most of them practised swidden agriculture, clearing the mountain slopes for cultivation. They were quite self-sufficient and opium provided a source of income. This situation changed dramatically at the end of the 1960s when development projects were initiated in the region. The main objectives of the projects were to reduce the cultivation of opium, put an end to slash and burn methods and promote the integration of the hill peoples into Thai society.

»Thailand was to have become the showcase for development in Southeast Asia« said Ken Kampe, an American development worker who reflected sceptically on his 15 years of experience in Northern Thailand. »Western development agencies were obviously not welcome in Burma, Laos and Vietnam at that time. So, in order to maintain Western influence in the region and create a good investment climate, Thailand had to be overrun by development projects. Opium provided the ideal excuse.«

Although opium production in Thailand never exceeded 150 tons, and New Zealand anthropologist Geddes considers that this was not sufficient to cover even the local demand for opium, the poppy crop produced by the hill tribes was considered a source of the heroin problem in Western countries. Therefor, development projects in the hill areas are based on substituting poppies with alternative crops. The project are carried out by the Thai Office of Narcotics Control Board with support from U.S., German, Norwegian, Danish and Dutch government agencies and the United Nations Fund for Drug Abuse Control. Today, only approximately 30 tons of opium are produced in Thailand, nevertheless, many farmers made use of the free fertiliser distributed by the project to improve their opium production. But the first results of the crop substitution projects indicated a complete disaster. The projects stimulated the cultivation of cash crops yet ignored the fact that there were no roads to get the produce to market.

Destruction of poppy fields.
Photo Joep Oomen/Impress.

At the beginning of the 1980s the Thai government came under increased pressure to eradicate the opium fields altogether. This led to a carrot and stick approach whereby the farmers were offered support by the projects which were by now working on a more integrated approach to development including support for infrastructure, health and education. Those farmers who continued to grow opium were charged by the police.

»This forced development is the root of many problems« says Chantaboom Sutthi, Director of Chiang Mai University's Tribal Research Institute. »Farmers have become entirely dependent on a cash-economy. Opium used to create an ideal balance between self-sufficiency and a small-scale market economy. The people would buy all they needed from the men who came to buy their opium. Now there are many villages where the people do not even cultivate their own food any more. They get every support they want from the developers, as long as they do not grow opium. But one day the development projects will disappear and the farmers will find themselves in a very difficult situation.«

As a result of the development projects many social patterns have disappeared too. In order to construct a power structure in the village which the projects needed, the authorities have appointed new leaders often of Thai origin. Many of these new leaders have a reputation for being corrupt and are accused of channelling the external support to a small group of their friends. The Lisu people are known for the very egalitarian nature of their society, but in many of their communities today the role of women in the society and economy has diminished significantly. It was the women who used to control the sale of opium and the family economy but today the new crops, such as tomatoes or cabbage, have to be transported to town for sale and this is exclusively a man's job.

The rapid introduction of influences from lowland Thai and Western society into the hill villages has caused widespread problems; the imposition of new trading conditions by lowland businessmen and contact with new religions and values introduced by missionaries and teachers has taken its toll among the hill peoples.

Heroin substitutes opium

Ironically, as the opium fields are wiped out, heroin consumption has increased dramatically. Thailand is still a main route for the transport of Burmese heroin on its way the Western markets and the remote mountain region of the North provides an excellent smuggling route. Until only about ten years ago, heroin addiction was unknown among the hill peoples. According to Dr. Annop Visudhimark of the Northern Drug Dependence Treatment Centre, heroin was introduced by Western tourists who visited the Thai region of the »Golden Triangle« in search of cheap drugs. The Northern Drug Dependence Treatment Centre was set up in Chiang Mai with support from the U.N. and the Danish government.

Prior to this the hill peoples used opium medicinally. When the opium disappeared they changed to heroin, unaware of the far greater risk of becoming addicted. In some cases, children became addicted when their parents blew the smoke of a heroin cigarette over their faces to make them sleep when they were ill. In the Hmong village of Mai Sai Mai, 15 per cent of the population is addicted to heroin, the youngest of them being eight years old.

Sangvorn, a social worker in a rehabilitation programme for drug addicts in Mae Sai Mai, comments »I wonder if the development projects took the traditional use of opium into consideration. Heroin appears at the moment opium is eradicated.«

The tourists arrive at the villages by means of the roads which were constructed by the development projects. With the introduction of a cash economy, the hill peoples were in a position to buy heroin and then to become dependent on it. »To finance their addiction they sell their land,« says Sangvorn, »We can treat them here but when they go back to their villages there is heroin all over again. That's what makes our battle an endless one.«

The war on the forrest

Many of the development projects in the hills of Northern Thailand are still in an

experimental phase. And it is the hill peoples who carry the burden should the experiments not succeed.

In the Hmong village of Pa Kluai, situated in a watershed area some 150 kilometres south of Chiang Mai, a Norwegian Highland Development Project has been working for the past eight years substituting opium with cabbages. In order to maintain their income levels, the Hmong people have had to increase the area under cultivation twelve-fold since 1984. Not only do they have to burn off vegetation to make room to plant crops but their irrigated fields have depleted the river which runs through the lower Mae Soi valley where 11,000 people live and has led to a serious water shortage. Mai Soi residents have surrounded the Hmong fields with barbed wire to prevent them extending the crops further. The project developers claim that the local peasants are simple jealous of the Hmong's new prosperity but officials from the Thai Forestry Department use the Pa Kluai situation to justify a plan for relocating people away from the watershed areas, which includes almost the entire highland region.

Eradicating slash and burn agriculture was another important reason given for initiating development projects in Northern Thailand. But the Pa Kluai example has proved that cash cropping can be even more hazardous for the ecology. Other projects, such as the Thai German Highland Development Project, have tried to introduce more sustainable types of agriculture such as alley-cropping. However, such practices are often very labour-intensive and used to produce crops such as coffee and fruit which have very unstable market prices.

Their seems to be other vested interests in efforts to preserve the highland forest areas and bring them under government control. After a ban on logging had been declared in Thailand, the army continued to construct roads especially in forest reservations. The Thai knowingly say: »where a road is built, the forest is soon gone.«

Meanwhile people are doubting if there was really any problem, in the hill areas in the beginning. According to Prasert Trakansuphakorn, director of the Mountain People's Culture and Development Education Foundation (MPCDE) in Chiang Mai, a historical error has been made by the development projects by failing to communicate with the villagers themselves. »Take the Karen method of agriculture. Their rotation system has been carried out for centuries without causing any real danger to the ecology. The Karen farmers organised the use of their lands together, communally, taking care that enough time passed before the same plot was cultivated again. Then the projects came and destroyed this system by the introduction of cash cropping.

»But the real problem was not which crop to grow, but where. Instead of focusing on opium substitution, the projects should have assured the people's continued right to use the land and should have made them responsible for their own environment. Now the problem of land degradation has become worse and the government uses this as an excuse to talk about relocation again. They say that man and forest cannot live together but we know very well how to co-exist.«

Prasert's criticisms seem to have been taken on board by a new U.N. project in the Sam Mun area. There, the villagers have been allowed to participate in the planning of the project, the first time this has happened since development projects began.

An unknown future

The integration of the hill peoples into Thai society has been the third main objective of the development projects but has been frustrated because the majority of hill peoples have no legal status. The hill peoples are prevented by law from having an organisation which defends their rights. The only exception to this is the Akha association of Chiang Mai. This Association is concerned with the preservation of the Akha people's cultural traditions. During its yearly meetings with village representatives, political items are carefully avoided. According to its director, Aju Jupaw, the survival of the Association is the main concern:

»We Akha do not have anything against development but because only 5 per cent of us have Thai citizenship and the police can throw the rest of us out of the country at any time, we do not know what land we can count on as ours. We are ready to accept any kind of project and won't complain because we are not in a position to. We have a more immediate threat facing us at present which is an increasing AIDS epidemic caused by the heroin addiction and the sale of Akha girls to brothel owners in the cities.

»The parents of the girls are often desperate farmers who see no other way to obtain money for their families now that it is illegal to grow opium. The girls spend some years in the cities without any knowledge of the risks of prostitution. When they come back there is a high chance that they will be carrying the AIDS virus.«

AIDS has spread rapidly among the hill peoples. Researchers from the Tribal Research Institute in Chiang Mai estimate that not less than 20 per cent of the highland population is HIV- positive.

Should the development projects be blamed for precipitating the possible elimination of an entire population? According to Hagen Dirksen, Director of the Thai German Highland Development Project, »The impact of modern Thai society on the hill peoples has certainly not been softened by the development projects. The experiences we have had will not be forgotten but we will take them into account when we start our new pilot projects in Laos.«

Tribe	Population	Percent
Karen	265,61	50,08
Hmnong	80,08	15,10
Lahuh	58,69	11,07
Yao	35,50	6,69
Akha	33,62	6,34
Lisu	24,01	4,53
Others	32,00	6,19

35. 4 per cent of hill people's villages have an official Thai administration system.
56 per cent of hill people's families have house registration.
20 per cent of the farmland has some form of legal title.
28 per cent of the villages have schools.
15 per cent of the hill peoples are abe to read and write Thai, 32 per cent can speak and comprehend Thai.
The average annual income ranges from 130 dollars to 450 dollars, compared to 550 dollars for the lowland Thai.

Source: Tribal Research Institute, Chiang Mai, 1986. ❑

Australia:
Indigenous Entitlement to Land Reconsidered

By Merete Falck Borch

In June 1992, the High Court of Australia finally delivered its decision in the so-called Mabo case. By a majority of six to one, the Court found that Australian common law recognizes the title of the indigenous peoples (Aborigines and Torres Strait Islanders) to their traditional land – if that title has not been extinguished. This important judgement has reversed the only other major land rights decision in Australia and rejected some long-held legal assumptions about the land.

The Background

Ever since the landing of the first convicts in New South Wales in 1788 the Aborigines have struggled against the invasion of their land. While the destructive impact of colonization had seriously influenced their power of resistance by the turn of the present century, Aboriginal determination to control their own lives, which involves recovering some of the land they have lost, has gained new strength in the last 40 years or so. Several strategies have been adopted towards this end. Beginning perhaps with the Gurindji people's walk off Wave Hill Station in 1966, Aborigines have staged a number of protests which have received nation-wide (and in some cases international) media coverage; pressure has been exerted on politicians to gain legislative recognition of their right to some of the land; delegates have voiced their grievances at meetings of the UN Working Group on Indigenous Populations; and use has been made of the courts, though perhaps less frequently than in other former British colonies such as North America.

The impact of some of these decisions has been significant, though. The first major land rights case, »the Gove case«, was brought in 1969 by the Yolngu of north-eastern Arnhemland and decided by the Supreme Court of the Northern Territory in 1971. The Yolngu protested against the granting by the federal government of a mining lease to Nabalco on Yolngu land. They claimed that their title to the land, which had existed since »time immemorial« and which had been violated by the government, was a legal right according to the common law of Australia (1).

In this way, the Aborigines challenged one of the fundamental legal assumptions concerned with the colonization of Australia, that is, the doctrine of *terra nullius*. When the first fleet set sail, it was probably widely believed in Britain that Australia was practically uninhabited (terra nullius – no-man's land in the true sense of the words). However, experience soon proved that this was far from the case. Nevertheless, on the basis of this belief a theory was developed that for legal purposes the land was without owners or sovereign when the British arrived. Consequently, the land belonged to the latter, the first »real occupants«. The doctrine of terra nullius has thus been central in legitimizing the taking of the land from the Aborigines.

The Yolngu supported their claim by reference to many similar cases from the USA, Canada, New Zealand and other places which they felt recognized the existence of indigenous title to the land. In the decision of the case, however, Judge Blackburn concluded that whatever recognition these decisions entailed was due to government action (treaties, legislation, etc.) rather than common law. Since the Australian government had performed no such action, the judge decided that Aboriginal title did not exist as a legal right and the case was dismissed. The judgement confirmed the application of the doctrine of *terra nullius* to Australia.

The decision seemed to be a clear message to Aborigines that the Australian legal system had little to contribute to the righting of past wrongs. The case had important political consequences, though. Following considerable public dissatisfaction with the judgement, land rights became an issue on the political agenda. Eventually, it resulted in the **Aboriginal Land Rights Act** (Northern Terrritory) passed in 1976, which enabled Aborigines to claim ownership of vacant land. As the name of the act indicates, it only applied to the Northern Territory, so the problem of Aboriginal dispossession still needed to be addressed at the national level.

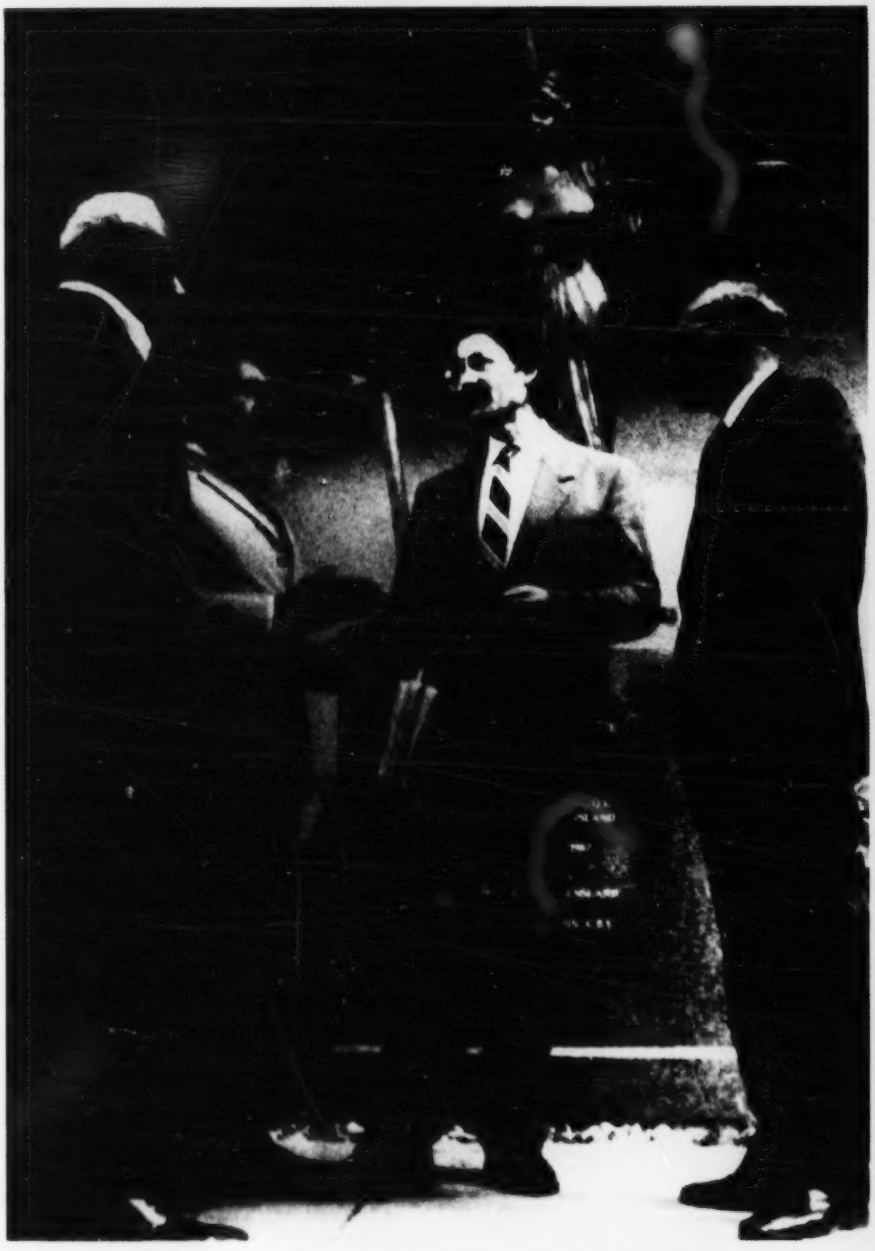
The Mabo Case

After several legal cases had enabled the courts to make statements on the issue, the Gove case was finally challenged in 1982

by the Meriam people of Mer in the Torres Strait. The Torres Strait Islands were annexed by the Colony of Queensland in 1879. The Murray Islands (including Mer) were later turned into a reserve and the Meriam people continued to live there according to their traditional social system. However, in 1982 the Queensland government decided that Aboriginal and Islander reserves should be handed over to specially elected councils through »Deeds of Grant in Trust«. Apart from the fact that this would be contrary to customary methods of land holding, it also gave the minister of Aboriginal Affairs wide powers over the areas in question. The Murray Islanders refused to accept this and initiated a case against the government. Among other things, they claimed, like the Yolngu before them, that their title to the land survived the arrival of the British and was recognized by common law.

The High Court in its recent decision ruled in favour of this claim (2). It was found that the acquisition of sovereignty by Britain did not automatically extinguish the title of the indigenous peoples. As in decisions from, for example, Canada, it was held that the British Crown acquired the »radical« or »underlying« title to the land; Aboriginal or Islander possession (3) was recognized as an already existing, legal right which thus became a »burden« on Crown title. Government acknowledgement of the indigenous title was not required.

In the process of reaching this decision, it was necessary for the judges to reconsider some firmly established rules of law. One of them was the doctrine of terra nullius. It is an outstanding feature of the judgement that it decisively branded this doctrine as a fiction created to justify colonization and dispossession and laid down that it should be rejected as untenable in modern Australia. The rejection of established doctrines of law is a most unusual step by the courts only taken in extraordinary cases. The judges showed great awareness of this aspect of the judgement and devoted considerable amounts space to the discussion of it. It was clearly indicated that the highest court of the country has a responsibility in cases such as this to improve the law; by following this obligation, the decision showed to a remarkable extent the ability of the judicial process to influence the direction of the law.



The three Murray Island plaintiffs outside the Queensland Supreme Court (left to right) Father David Passi, Eddi Mabo, Counsel for the plaintiffs and James Rice. Photo; Aboriginal Law Bulletin. 1991.

Finding that the law recognizes Aboriginal title to the land was, however, only one part of the judgement. Another, equally important part concerned the question of extinguishment of that title. It was held by all the judges that »the Crown«, whether the British imperial powers, the state or federal governments, has the right to extinguish indigenous title. The legislation or government action aiming to do this has to show a »clear and plain intention« of terminating indigenous rights, for example by granting a freehold title to the land to someone else which is inconsistent with the continued occupation by the indigenous people. In this way the Crown has extinguished the title of Aborigines to large parts of Australia, and the upholding by the court of this principle was a means

of safeguarding the ownership of land by other Australians.

Some of the judges mentioned important exceptions to this rule. Creating reserves, regulating the movements of Aborigines (which has happened in most parts of Australia at some stage), or simply claiming that the land is »Crown land« does not amount to a »clear and plain intention« to extinguish Aboriginal or Islander title. Furthermore, the Crown may grant land for purposes which are not inconsistent with the (partial) continuation of that title; national parks and land leased to mining companies for prospecting were mentioned as examples. All the judges held that government extinguishment has to be in agreement with the constitution and the valid laws of the Australian Commonwealth. This means among other things that future attempts to end indigenous title will be subject to the Commonwealth **Racial Discrimination Act** which prohibits the restriction of the rights of one group of people which are held by others. The act was applied at an earlier stage of the Mabo case, when an attempt by the Queensland government to prevent the case by enacting retrospective legislation was rejected by the High Court. Finally, some of the judges held that government extinguishment of indigenous title is equivalent to expropriation and therefore subject to demands of compensation within certain time limits (thus preventing the Aborigines from presenting the Australian nation with a bill for centuries of »expropriation«); although not a majority finding, it may prove influential in the future.

It was found by the judges that none of the legislation or government action referring to the Murray Islands showed any intention of extinguishing Meriam title to the land and that their title is therefore still in force. Other cases are bound to appear which will explore the possibilities raised by the judgement. It remains to be seen to what extent it will contribute to the official recognition of existing Aboriginal/ Islander title.

Conclusions

Although the practical legal implications are far from clear (4), it is certain that the general impact of the decision will be widely felt. The Australian law of land ownership, like that of other western legal systems, is based on European notions of private property developed in response to an agricultural – and later an industrial – economy; that is, a foundation totally foreign to the organization of both Aboriginal and Islander society. By establishing that common law recognizes indigenous title, the judiciary has made a significant attempt to limit this Eurocentric aspect of the legal system.

The judges rejected the tendency of many earlier decisions (in Australia and elsewhere) to characterize indigenous land tenure systems and social organisation in terms of European concepts. It was clearly expressed by the majority that the title of Aborigines or Islanders should be understood according to their own traditions and laws; whether it could be termed »proprietary« according to Western legal thought is immaterial. In this way the court has made an important contribution to the understanding of the cultural factors involved in cases of this kind. It is a significant step towards a less biased treatment of indigenous problems by the legal system.

Furthermore, by commenting on the great injustice which the indigenous population has suffered because of colonization and by allowing this to influence their decision, the judges have have highlighted the obligation on the rest of the Australian population to rectify this injustice as far as possible. In recent years, a desire has emerged among some white Australians to improve relations with the indigenous people as well as the conditions under which they live. Talk of a treaty or »makarrata«, the Royal Commission investigating Aboriginal Deaths in Custody, and most recently the setting up of a Council of Reconciliation have all been expressions of political awareness of this desire. However, Aborigines and Islanders have often been dissatisfied with their real influence on policies. It seems reasonable to expect that the firm recognition of indigenous title as a legal right as well as the rejection of the idea that Australia was »ownerless« when the British arrived will give them a stronger bargaining position in a future settlement with the government.

Finally, by condemning past actions and policies as inconsistent with »contemporary notions of justice«, the High Court has created high expectations of changes which it will be extremely difficult for the government of Australia to ignore.

Notes

(1) Milirrpum and Others v. Nabalco Pty.Ltd. and The Common wealth of Australia, ***Federal Law Reports,*** *vol. 17, 1971, pp. 141 – 294.*

(2) Eddie Mabo and Others v. The State of Queensland, F.C. 92/014. 1992, 218 pp. (to be published in the ***Common wealth Law Reports).***

(3) It was made clear throughout the judgement that it applies to the situation of Aborigines as well as to that of the Islanders.

(4) For further reading on the decision see: B.Keon-Cohen: »Eddie Mabo and Ors. v. The State of Queensland«, ***Aboriginal Law Bulletin,*** *vol. 2, no. 56, 1992, pp. 22 – 23G.Nettheim: «...As Against the Whole World«,* ***Australian Law News,*** *July 1992, pp. 9 -14.* ❑

Forest in Nitassinan

Overview:

Nitassinan has a harsh climate. The growing season is short, cool, and the treeline divides our territory. In the region of our territory commonly known as Labrador (Canada), there is only one major area of closed canopy forest, mostly black spruce and balsam fir. The province of Newfoundland has designated this area for timber extraction (see map). This has us, the Innu, the original inhabitants of this land, very worried.

We have never given up our rights or our land. We have not signed any treaties. We continue to live a large portion of our lives on the land. The forest provides for many of our needs: it provides shelter, habitat for the animals we depend on, wood for our stoves, our snowshoes, our drums.

We are very concerned that our forests are too fragile to be able to withstand modern large scale commercial timber operations. There have been forest operation in the past. Labrador Linerboard went bankrupt in the 1970's, leaving large stacks of trees to rot in the forest. When plans were announced in 1990 for a sawmill/ pulpwood operation, we took action. We set up a blockade to stop forest access roads from being built.

We are no longer willing to stay quiet as our land is destroyed. We have started to develop our own forest management plan, based on the best scientific research. We have taken care of our forest for thousands of years, and we will continue to do so.

No Managment Plan, No Understanding of the Forest

The blockade was set up for many reasons. We had not agreed to more roads, more forest cutting. The government was not even following its own laws: it did not have a forest managment plan in place, nor did it have a good knowledge of the forest. Its inventory was incomplete and its estimated Annual Allowable Cut was tentative and had not been properly adjusted to take account of other land uses and required ecological protection. There was not even a scientific assessment to see whether these fragile forests could withstand the commercial operations that were proposed.

Newfoundland Government Sees Only the Timber

The Newfoundland government continues to promote timber extraction. For instance, a government promotional booklet, The Forest Resource of Labrador, says:

> The forest of Labrador is perhaps the greatest concentration of high qsuality virgin timber remaining in eastern North America.
>
> ...93 per cent of the area contains stands with average heights between 10 and 15 meters... the northern growing conditions result in exceptionally dense wood...

It then goes on to confidently assert the opportunities for industry, but a final paragraph is revealing. The government offers grants, loans, equity financing and other forms of financial assistance, and support with infrastructure, »... provided that the project would not otherwise be viable, and the net benefit to the Province was acceptable«. In other words, even if cutting timber does not make economic sense, we will give you money to do it.

Commercial forestry in Nitassinan, has been heavily subsidized in the past and

most likely will be in the future. Simply put, there is a very serious question as to whether cutting trees here will ever make economic sense. To make money, companies have operated with minimal environmental safeguards. The forests are sparse, access limited, operating conditions difficult.

Innu Nation Research

The Innu Nation decided to do its own reesearch. We first hired Georg Marek, a professional forester with over 40 years experience in Ontario's black spruce forest to examine the forests, past cutting, operating plans, and provide his recommendations. In his report, Forest Operations and Silviculture in Forest Management Unit 19 (January 1992), he concluds:

> ...there seems only to be a vague commitment to the renewal of the Labrador forest in general and to its return to a condition resembling the natural forest.
>
> The Annual Allowable Cut (ACC) calculation... seems extremely high and unrealistic
>
> Field observations also revealed poor protection of streams and water bodies...
>
> All documents examined showed a poor understanding of the forests and forest lands. There is a basic lack of backround information in all fields of forest land managment and the recognition that many fragile areas should be excluded from timber production.

After examining Marek's report, the Innu Nation decided that further research was needed.
Specifically, the Innu decided to ask the question:

> The first issue that must be addressed, if forestry operations are to proceed on a scale going beyond meeting local needs, is, can any form of commercial forestry operations occur in our forests in a way that is ecologically sustainable?

The Innu Nation recently hired Herb Hammond, a forest ecologist from British Columbia, to review the literature and collect the field data to answer this basic question. This research is now under way. Hammond is being assisted by Innu research assistants, who are lerning as they work. Preliminary results indicate that the forests have very limited potential for commercial timber, and that the other »services« provided by the forest are of much greater economic (not to mention cultural and spiritual) value.

The Innu Nation combines sound scientific research with the knowledge and wisdom of our elders. Elders share their knowledge with scientists undertaking research, who in turn report their findings to the elders. This ensures that the value of our way of knowing the forests, our experience with the forest as a people for the last several thousands years, is recognized and included in our management approach.

Because the Newfoundland Government has been unable and unwilling to develop a sound, wholistic management plan for the forests, the Innu Nation has decided to develop its own management plan. This plan will be backed up by sound research, and will ensure that the forest's health is sustained.

Although Innu efforts have concentrated on the region around Lake Melville, there is also a proposal to harvest timber from the region around Cartwright by a Interwood Co. Ltd, owned by Baugerate of Austria. This proposal would cut more timber than allowed by the Annual Allowable Cut. There is no forest managment plan for this area either.

Areas for Cooperation and Research

The Innu Nation is interested in cooperating with researchers and aboriginal peoples in other areas where the boreal forests are near their northern limit. We wish to learn from the experiences of others, avoid mistakes made elsewhere, and ensure that we have access to the best scientific information concerning the boreal forest of our territory. The Innu Nation also involves other researchers who approach the forest from a wholisic perspective as peer reviewers for studies we undertake. We are also interested in reviewing forest managment plans developed by other aboriginal peoples, and sharing our experiences.

In Summary:

The Innu Nation's primary related to forestry are as follows:

- to sustain the land in such a way that our people can continue to hunt, trap, gather and live on the land;
- to ensure that our rights and lands are protected for future generations of Innu, either through negotiations with Canada and Newfoundland, or if a satisfactory settlement cannot be achieved, through other means;
- to make sure that any development which does occur before any settlement has the approval of the Innu Nation, so as to not prejudice the negotiations;
- to ensure that any development which does occur is sustainable ecologically and respects our cultural and spiritual values; and
- to ensure that any development of our forest benefits the Innu people.

From this starting point, the Innu Nation is approaching the development of management plans for our forests as follows:

1) The future of the Innu people is closelyto the land;
2) we see the forest as ours, and any development of the forest must have our approval and must not prejudice our rights;
3) it must be proven that the forest can support forestry operations, and what form these operations can tae;
4) forest zoning must be prepared to ensure the protection of ecological and cultural values, and to determine how much wood can actually be harvested;
5) the management plan will detail the forest management techniques to be used; and
6) forest operations must benefit the Innu people and not further social dislocation, and we see it as more important to benefit the people of the region than to export our resources far away.

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Argentina: Cholera in the Province of Salta

By Morita Carrasco

»Is this poverty never going to end?
I believe that there has to be a solution.«
Elías Pérez (San Luis)

The First Affected were the Wichí

On the 2nd of February 1992 a small and forgotten frontier town in the Republic of Argentina (Santa Victoria Este) found itself on the front page of all the local and foreign newspapers. The reason: two indigenous *Wichí* (a youth of 20 years and a woman of 30) had died of cholera.

In the midst of heavy rains – as is usual in this season – and very high temperatures, the staff of the base hospital in Operation Area VIII in Santa Victoria Este received the two Wichí from the Mission of La Paz. On arrival neither of them showed clear symptoms of illness, only severe exhaustion which was attributed to the heat they had experienced on the journey.

Shortly afterwards, however, they began to have convulsions and then barely two hours later the youth died without even having had a provisional diagnosis or received medical help. Almost immediately afterwards the woman died. Now, there are no doubts: the nurses had to admit that the deceased had contracted the dreadful sickness.

Despite the abrupt and dramatic form in which it appeared, the medical team from this rural outlying hospital had been prepared and trained by its director in order to be able to act swiftly and independently in circumstances such as these. Nevertheless, it was the absence of the obvious symptoms – given the advanced stage of dehydration which the patients displayed – which caused the initial confusion.

A short while after its appearance in Peru, the cholera epidemic moved to Bolivia and from there spread rapidly towards the Argentinean border. By October 1991 the National Ministry of Health and Social Action already had statistics on the number of Bolivians affected. In November and December a team of Argentinean doctors travelled to Peru in order to find out all they could about the subject.

Given that the virus attacks first of all individuals who have less stomach acid, the malnourished, the elderly and those who suffer from gastritis are especially susceptible of contracting the disease. Taking the theoretical information and the Peruvian data into account there are assumed to be two ways of spreading cholera: 1) through the water supply and 2) through interpersonal contact by means of the anus-hand-mouth route.

It seems that the epidemic spread in Lima through the water supply system. Due to the high population concentration in the last twenty years, there has not been a comparable expansion in work carried out in constructing a sewage system. The consequent overload on the system produced cracks in the piping which caused contaminated liquid to filter into the drinking water system which runs parallel. However, according to the specialists, the main focus of the spread was the street vendors who sell food in the centre of Lima. This is where the majority of the population from the shanty towns who work in Lima eat. Thus of the two ways of spreading the disease, personal contact provides the greater risk because of the difficulties in establishing proper control.

It seems quite plain that from the very beginning of the epidemic the above detailed information was in the hands of the authorities responsible for the health of the Argentinean population, and moreover, there are doctors who have acquired some level of understanding and practice in the subject. Nevertheless – and sad to say – there was no systematic prevention work targeted in even the most vulnerable areas such as the Province of Salta until after the first cases had appeared.

Prevention and the fight against cholera

Santa Victoria Este, where the base hospital for the area is situated,is the only urban conglomeration in the Department of Rivadavia Banda Norte. As the seat of the municipal government (since 1976), the basic services for the 7,000 inhabitants of the Province are centred there: the hospital, the post office, a secondary school and three general stores. There is no police or Justice of the Peace, only a guard post which controls the border. The Province is home to 4,500 indigenous Mataco, Chorote, Toba and Chalupí grouped in 28 communities and 2,500 white »Creoles« living in 277 cattle ranching 'units'.

The climate is hot and torrid with two seasons which are defined by the availability of water. The rains vary between 550mm and 800mm and are concentrated in the summer months (November to April) followed by a long dry season. Regular access to settlements is by means of wide tracks which link them to Santa Victoria Este and then by the road to the

Province of Salta

city of Salta. Between the indigenous and Creole settlements there are small tracks or »picadas« (narrow forest paths cleared by machete). These communicating paths are extremely precarious and can be cut off by rains and forest growth, leaving the inhabitants temporarily isolated from the rest of the Province. Recently, due to oil exploration in bordering areas, Yacimientos Petrolíferos Fiscales (Treasury Oil Deposits) has constructed some small landing strips which can be used as communication for emergencies during the summer.

After the appearance of the first cholera cases in Bolivia, on the initiative of the management of the hospital, a Commission of Neighbours and Functionaries of the Municipality in Santa Victoria was organised. They spread the available information about cholera to the villagers with the aim that the villagers themselves would become aware and consequently be able to prevent its possible spread.

I remember that during my stay in July and August of 1992, the family with whom I was staying collected and chlorinated the water which reached their house through the pipework system in a 1,000 litre tank. This way – they said – they not only avoided becoming ill themselves but prevented all the members of the village of Kanohis (1 km away) also falling is as they came to this house to collect water for their families' consumption. The Neighbourhood Commission also included representatives of the authorities who deliberately managed to get on the council so that they could enforce an order fining neighbours who did not build a latrine and rubbish pit by their houses. Unfortunately, so a member of the Commission explained to me, the campaign for the election of Governor, Deputies and Senators then began and after the first meetings the order for latrine building and pit digging was dissolved. However, the new programmes which the politicians promised were never initiated in its place. On the other hand the lorries full of merchandise which the candidates sent began to arrive, but the politicians' visits only resulted in promises rather than the necessary help. This made openings for the continuation of intrigues and confrontation within and between parties which were clearly reflected in the Commission itself, impeding its work.

Finally, after the elections and beyond the uproar of the political struggle, the organisation of the cholera prevention work was partially taken up again by the Neighbourhood Commission, although now with less commitment and they limited themselves to the exclusive ambit of the hospital.

In addition to the conditions which favoured an epidemic, we can also add the unwillingness of the sectors of the government which have responsibility for this area to listen to the warnings made by those who lived close to the dangers all the time. It is clear that nothing is being done in terms of prevention and, moreover, there are still unanswered questions: does the government intend to tolerate appalling living conditions and therefore the risk of more cholera in these parts of the country? Does it think that the cholera cannot affect the population living there? Can the lack of information in the realms of decision making be explained by a certain ignorance?

Finally, what happened to the two Wichí could have been foreseen: without a doctor, and in the absence of any replacement the two patients were given no treatment.

The »operational orders in the battle against cholera« once the epidemic is unleashed.

After the first deaths (five in total) the Minister of National Public Health and the Minister of the Province of Salta concentrated their personnel in the base hospital in the city of Tartagal, which under the management of the Department of Environmental Health, made a start on the »campaign for the help and control of cholera«. The contribution of the national government, not only in the form of economic human resources reached as far as here, thus constituting a means of operation.

It is important to emphasise here the political weight that Santa Victoria Este carries in terms of the Province. On the whole, the Chaco region of the Province (and especially the indigenous reserve zones) is only important in terms of electoral numbers. This differs from other regions, including rural regions, in that their position in the socio-economic structure works against the political power as a pressure group. Consequently, the style of the political relations in the area which interests us here is one of manipulation and patronage. In this sense, the municipality of Santa Victoria Este is the paradigm of the way in which the party alliances are consolidated, how they »pay« for the favours of clients and, altogether how they construct more or less permanent support networks in order to consolidate the provincial political structures (parties, elections, parliament). These networks in turn are reinforced by the lack of municipal self-sufficiency which, because it does not generate its own resources, depends entirely on the budgetary input of the provincial executive.

Given that numerically the indigenous communities are the sector which defines the success of the ballot box, the current practice of the political party structures is based upon co-opting the caciques and leaders, who have some representativity vis-a-vis the indigenous people (above all in the distribution of merchandise) in pre-electoral periods. However, the perversity of the dark objectives that they pursue with these mechanisms does not go unnoticed by the members of the indigenous communities. On the contrary, the way in which the »politicians« buy their votes and do not fulfil their electoral promises are being continually denounced. An extreme example of this has been the political parties' use of the resources belonging to the provincial government (which no longer belong to the party) in the last election in order to win. The personnel who supported the candidate for Provincial Senator (then minister) for the Department of Rivadavia Banda Norte and the vehicles came from the Ministry of Social Welfare.

It is for this reason that the Commission of Santa Victoria added to the conflicts and problems derived from contradictory methods adopted in the Tartagal plan of operation. These were all a series of unresolved intersectoral conflicts which worsened in the present cholera crisis.

The poor peoples' sickness

As we said previously, cholera spreads fast and becomes an epidemic because of the existence of certain objective conditions. Now we will consider these in the context of the Province of Salta and in particular in the zone of Operative Area VIII where the epidemic began.

1. The destruction of the ecosystem

The original natural habitat of the Salta Chaco comprised the resources of two large ecological niches: 1) lakes, gullies and permanent water courses and 2) forests and pastures. For centuries the rational and complementary exploitation of the resources of both niches had allowed the socio-economic reproduction of the indigenous peoples whose descendants now comprise the 28 communities.

The rivers, gullies and lakes provide the main source of protein for the members of communities on the banks of the Pilcomayo river. They have advantages over the natural forests especially in winter which is the season of greatest scarcity of forest resources.

White occupation of the territory took place at the beginning of the century and notably reduced the use of natural resources, apart from the patrons who used the land for themselves which was maintained almost intact. In the present poverty and misery of the region, the river is practically the only option for sustaining life for the 4,500 indigenous people and this only during the winter months. Since White occupation began, hunting is the productive activity which has suffered most changes.

The over-grazing of »Creole« cattle is due to the lack of new pasture being sown, together with an irrational management of the cattle which has led to erosion, the deterioration of the soils and irreversible ecological imbalance. This situation affects not only the indigenous peoples but also the Creoles themselves who, given the ecological constraints and the lack of holistic regional development policies are becoming poorer day by day.

A large area of land has completely lost its flora and fauna. This has substantially altered ecological interrelations and the possibilities for human use. In general terms, forests which have a potential for commercial lumbering have become bushy marshlands with low production. As a counterpart to this, the pasture lands show signs of overgrazing and have been transformed into wastelands without any vegetation. Moreover, because of the displacement of cattle searching for pasture, the forests have encroached to form huge impenetrable areas.

The disappearance of the pasture land and its transformation into woody copses has brought fierce competition among the indigenous communities, who collect vegetation for food and textiles and the cattle belonging to the Creoles. The cows and goats depend exclusively on foraging in the forest and eat almost all species whether for their fruits, dry leaves or green shoots with the result that all vegetation within their reach is affected.

Drastic changes – such as those noted – in the diversity and availability of resources has altered the present and future lifestyle of the inhabitants of Fiscal 55. Among them the hunters, fishers and gatherers have suffered most, not only with respect to their economic reproduction but also from the danger that the environmental destruction will have leading to serious consequences for the reproduction of their own cultural identity. In a concise and clear allegation (1984-1991), the 28 caciques (leaders) reclaim from the local government the multiple and collective use of the different natural resources in their whole area, free from competition with animals which have been introduced and managed irrationally by the Creoles.

2. The basic necessities

»Yes, we will die because the president will not take responsibility for our situation.. We live like animals because the president does not have the capacity to help the poor. And the poor have to continue dying, there is nothing we can do« (Mataco from Kanohis).

If poverty is measured in relation to the

satisfaction of basic needs, all of the Department of Tivadavia Banda Norte would be below the minimum levels of subsistence. In a word, it is appropriate to talk of a situation of absolute deprivation. And if you add to this the communities' rare chance of ever being heard by the politicians in order to exact a response to their demands, the circle of poverty closes around them with fatal consequences.

According to official statistics from the National Ministry of Health and Social Action, the Province of Salta figures among the six provinces with the highest incidence of infant mortality (32.3 in 1989 against the lowest registered in the Federal Capital of 15.9). In the Operative Area VIII in 1990 this figure reached 66.6 per thousand. But this is not the only disgrace which the indigenous and criolle population of Fiscal Plot 55 have to bear. Tuberculosis, Chagas disease and ofidismo as well as the scourge of hunger from the increasing malnutrition are daily causes of death for them. Let's take the following statistics as an illustration: during the first third of 1991, 86 incidences of tuberculosis with evident symptoms were detected. Of these only 20 received treatment and 22 died. Meanwhile 36 cases of tuberculosis were detected for the whole of 1990.

Referring to this situation, the director of the hospital said: *»Here the problem is not new. Along with other fundamental diseases we can now add cholera. For us it is just one more epidemic. We are used to having to cope alone. The problem here is structural, years and years of being subject to political patronage. To explain the causes would need a accurate review of regional or zonal history in order to see how the politicians have been producing social and political changes in the area«.*

Another doctor who helped with the care of patients during the epidemic said: *»In the Mojarras there is nothing to eat. They lack medicines and there are no rehydration salts. That's why I say that there is no policy or defined project for the cholera.«*

3. No environmental health

With cholera, perhaps more than with other gastrointestinal illnesses, the environment constitutes a high risk area mainly with reference to the disposal of excrement and the treatment of rubbish. This leads us to characterise our environmental reality according to three basic elements: water, sewage and rubbish. The chlorination of drinking water is left as a last solution in the hands of the users and for their exclusive protection. Meanwhile it is the remit of those responsible for the area of health to concern themselves with the prevention and control of cholera, above all in the most distant villages, regardless of their demographic density but with reference to their quality of environment. It can happen that there are villages with very few people where the rivers that pass by can be a focus of contamination; or there can be small towns with a high rate of mortality caused by common sicknesses (tuberculosis, Chagas disease, etc.).

I would like to say then, that plans for environmental improvement and social welfare ought to be designed with these areas in mind. And this is, I assume, the same line of thought which guides the work of nations concerned with debating the issues of development and the environment. It is in these terms that the Latin American countries, meeting in Mar del Plata at the International Water Conference, committed themselves to carrying out a plan for almost all water provision in the decade from 1980 – 1990, a target which has still not been achieved.

71 per cent of the Salta population is urban and of that 92 per cent have running water. Of a total of 40,235 rural houses only 8,356 have water, that is only 20 per cent. While in Salt 47 per cent of the urban population have a drainage system, only 26 rural houses of a total of 40,235 have this service.

When the cholera began a panorama of the situation in relation to the supply already existed and it was known that in order to reach a minimal cover there ought to be 40 new bore holes made. But the orders emanating from the central office of Salta Water (Aguas de Salta) were to avoid many borings given their costs calculated in 1991 at US$30 to US$35 per metre. It is worth mentioning that this official organ – like many others in Argentina – is in the process of being privatised.

Another obstacle in the provision of clean water (according to the employees of Salta Water) is the shortage of energy. Given that the majority of the settlements within Fiscal 55 do not have electricity, the wells that exist are worked with a windmill system or a hand pump. This reduces the supply to insufficient levels. Alto de Sierra provides an example where, for an indigenous population of 600 and 300 Creoles, there is one damaged mill and a 1,000 litre collection tank.

The shortage of water is even more grave in places further away from the river, as is the case with the hostel-school, El Mulato, and that of Chañar Alto. Here the teachers and the population near the school have to make do with water from the »charco« (a natural dam) where the cattle, sheep and goats from the neigh-

Indigenous chorote. Photo: Morita Carrasco.

bourhood go to drink. The teachers are diligent in warning that the water should be boiled and then cooled before use, nevertheless I have seen that many people simply leave the dirt to settle and then used for cooking and eventually drinking.

On top of all these »natural« obstacles come the institutional ones: the lack of budget planning for maintaining and repairing equipment, the shortage of personnel due to the very low salaries, and finally the problems deriving from careless and improper procedures by users themselves.

Apart from these sources, there is one other means of procuring water: transport by tractor in tanks of 5,000 litres from Santa Victoria Este. But this is not carried out regularly because of the almost permanent shortage of petrol in the area and the condition of the roads in the interior.

Consequently, to provide water for the inhabitants of the Ficsal Plot 55 what is needed is planned bore holes, verification of the quality of the water and permanent control and vigilance of the equipment.

Lastly, concerning »treatment of excrement« where there was no prevention programme, the Tartagal »operational order« (apparently guaranteed by the provincial regulations for »emergency sanitation«) appealed to public forces (army and gendarmerie) to intimidate the indigenous population into building latrines themselves. I don't think it is necessary to stress that fear and repression are not satisfactory methods of trying to encourage the adoption of a socio-cultural practice, not even in these circumstances.

Putting to one side coercive mechanisms such as these, far from favouring an awareness in individuals of preventive sanitation, it favours, moreover, the production of stereotypes and political practices based in types of paternalistic relations. If it is the gendarmes or army who carry out the repression, the indigenous people will seek the protection of politicians or the priests, who often are ignorant of the perversity of the system and use cultural reasons to argue in defence of the people, and consequently obscure the discovery of the real problems. A Mataco man from the San Luis Mission said:

»We have other problems which the authorities make for us. Who says there is a law that dictates that he who does not do the work fast (making latrines) is imprisoned. Several of our brothers have been made to work one day in the Gendarmerie for this and we are very concerned. As I told you, if someone comes to watch us and listen to us. I don't believe that they are lying about us, but we do not lie to them either. We don't need these things or that we can't do this work. Then it is good that they listen to us. If they attend to us then we also want to do our bit. But I would say that they also have to do their bit and have to see the needs we have. We are in great need. And how can it be that the authorities come to advise us, give us a little food and say all is well. This does not suggest that one day they will take me to prison, this suggests the opposite. What I think is good is that they have to begin to see the needs we have. Do we have food or do we not? We cannot work very fast because we have to go out and forage. So I believe that they do not do their bit and I do not believe that this way things are going to go work well because I believe that this way it is not going to work out at all. Now, all they say is eat fish well cooked, and if I am quite happy then I am not going to say no. But at the moment, if we don't work fast and they take us to prison, that doesn't seem good to me. I think this is bad. They seem to be wanting to punish us. And I think this is not good. I believe it is bad. When they come here they chat with us, they talk and we listen very carefully, but what happens? Now they don't listen to us!Its all very well them giving us advice but we get nothing more because they don't bother. We are waiting to find out what solution they are going to give us.«

»Only the government gives assistance. When the President came, the people demanded he create sources of employment but he didn't listen at all. When the Minister came and offered them »family bags« (food aid) they told him that it was no good. What is needed here is to provide a lot of merchandise, to carry out works. They want to work and they want definitive solutions«. (a priest)

4. Insufficient information

»We know about this sickness but we are not able to take care. But thank God it has not got us. We feel that it has already passed by, but we must not get careless« (Mataco from Kanohis).

With reference to prevention as a means of avoiding the spread of the epidemic, as we can see, the Peruvian experience shows the importance of a good information campaign and a good explanation for the whole society. This has not been easy since we are dealing with a disease unknown in these parts. But it is a more serious matter still to try to condense into this all the other measures which should be adopted, or should have been adopted, in Santa Victoria Este.

To palm off responsiblity for the disease on »others« (doctors and nurses) means that, at the same time as objectifying the real living conditions, the causes and the responsibilities are left undiscovered.

»The problem is that we, everyone, are in agreement with the doctor who comes to carry out the campaign and tells us that we all have to take care, to keep clean, to wash our hands. But what we feel bad about is that we have nothing to eat and it is like this all the time. You work a bit making a toilet and then you have to leave it and go out to the pasture or to go and fish. And then they tell us it is better not to eat fish at the moment. But in the end you have to go out and fish because there is nothing to eat. This is the thing that we are unable to solve. We haven't any way out, this is our big problem. And, well, I am not going to solve this problem. Only those who can, like them, know already that we cannot solve it ourselves. There has to be some way for us to have something to eat. I don't know how long this disease could continue to be a threat to us. But it looks like it is going to continue for quite a while and all that can be done to help us they have to do. I want to try to avoid becoming ill and I'll have to make a big effort to protect us so that we avoid it. The one thing that worries us is that we don't have anything to eat, we have nothing to eat. And this is even worse«. (Mataco, San Luis)

It doesn't take an expert in cholera to understand the reason for the shift in the responses of the people. What chance have they – had they – to practise health control and care? In the same way that the percentage of medical control visits carried out among the middle and upper-middle classes is higher than in the popular sectors, in relation to the cholera epidemic in Santa Victoria Este, the urban Creole group with a higher standard of living than the rest of the population, appeared more well-disposed to personal health care. The two drops of »lavandina« used as a preventative measure is relatively easy to employ even though the piped water al-

ready arrives chlorinated. Even the most basic way of disinsfecting latrines would also be effective. Furthermore it would help the people to know that kerosene or lime needed in these cases, is at hand. But what happens in the communities, some of which are up to 40-60 km away from Santa Victoria? There they lack not only latrines but also wells and their main source of water is the River Pilcomayo or the scarce water holes which they share with the cattle. In these communities their basic concern centres on the implementation of a diversity of strategies which permits them to alleviate their hunger and the misery of their physical surroundings.

It is therefore not by chance that both the indigenous people and the poor Creoles direct their demands at the government which they feel is responsible for their terrible standard of living.

»We have this thought that we live in the dirt. We often say that we are not to blame. We say that the blame is theirs. How many times have the politicians come? And when they do then they embrace you and say they want to help, that yes there are going to be new houses and that they want to help the Mataco. But we don't take note any more of the people who say these things. Before we did, we believed that they were going to help and that is why we say that they are to blame. The President and the governor and council members do not help. When they get the support they want they are satisfied but they still don't help us at all. So it is that the poor haven't the means to improve the houses. Look, they tell us to clean the houses which are in a mess. But of course, and sometimes we too say this, but of course we clean up, all day without anything to eat, and we bear up, quietly, no fuss.

Sometimes we say that there are diseases which enter into the bones and cannot be cured but we still have to eat. Sometimes we go to the forest to forage. But you have to go some 15 km to be able to find anything and there you get a thirst and drink the water. In the forest there is plenty water but as there are lots of animals, cows, pigs in the water and you know that there is a lot of dirt in the water. Everything in it looks like parasites but what can you do, you have to drink the water. So we drink the water and we haven't all died. But it is the sickness that comes to punish human beings. Sometimes we don't eat for 24 hours, sometimes we have bad luck and don't bring in anything and it is worse still if you have a lot of kids because then they are left crying and so they have to go to bed without having had anything. Then in the morning you have to go out again to see if you find anything, but it depends on luck. That's the way we live. Look at this thin girl, malnourished. A poor person's life is very cruel. A lot of people don't know what it is to be poor and say that you have got to be good at your work, you've got to work, but what are you to work at if there is no work? Not even the Creoles have work for their people, and

Whichí Chief Amaya.
Photo: Morita Carrasco.

they have a lot of workers. It's not like it was before when the fields provided enough work for 10 people, but now there is nothing. That's how we live here. As well as this we know all about the cholera but how can you cure it? But thank God no one here died.« (Mataco from Kanohis)

Some more information can confirm what has been said. There was still a lack of education work in the prevention of cholera in the Ministry of Health. The teams of doctors and nurses which were sent every ten days into the epidemic zone to work together caring for patients did not have any previous training in specific subjects and many of their did not even know that there were inidigenous people in their own Province.

Similarly, the information at the disposal of other public administration agents was very poor. Teachers, personnel in charge of the student hostels and even those responsible for chlorination of the water seemed unaware of the dangers that the students and their families were exposed to when they disregarded everything concerned with kitchen and toilet hygiene.

The structural origins of poverty

»Yes, and so it ended fine, much better because here we are all well. But we don't live well all the time. The poverty is the worst thing we have. We are always poor. I would like to live well, I would want to live like ordinary people, how they live. The poverty has to end, has to end. But who can bring it to an end? Our forefathers, yes they lived well: they ate fruit, hunted animals, searched for honey, ate fish, they didn't have grass or sugar. But they didn't have this sickness either.« (Mataco from El Ñato ranch)

The colony of Buenaventura, land tenure

Since the end of the last century the Austral Chaco has been shaken by military campaigns which had the aim of violently provoking the creation of »objective conditions for the installation of a social and economic model« the results of which have been tragic for the aboriginal peoples of the area.

Towards the beginning of this century the territory felt not only this foreign presence but also that of Creole cattle ranchers. The deterioration of the pastures and the load imposed by the military campaigns led to the displacement of these herds from the south of the river Bermejo (today in the department of Rivadavia Banda Sur in the Province of Salta) towards the river Pilcomayo. In 1902 a pioneer called Domingo Astrada asked the Argentinean government's permission to set up, at his own expense, a ranching colony in these »Indian lands« which were rich in pasture.

This enterprise was successful for the White ranchers. The indigenous populations, the *Wichí (Mataco)*, *Iyoiwaia (Chorote)*, *Niwacle (Chulupí)* and *Komlek (Toba)*, who knew themselves to be surrounded by the military, negotiated with the recent arrivals a way of living together based on respect which the Creoles ought to have had towards the lands and control

of its water resources. According to Maranta the »aborigines were friendly, and couldn't be anything but; the military pacifications, which did not happen in the Pilcomayo, had penetrated the still unoccupied regions around about. The aborigines knew, however, that warlike confrontations were not the way to follow and therefore Astrada and his people were treated amiably and diplomatically. But though the aboriginal elders knew themselves to be losers they were not aware of the significance of all that they were negotiating in permitting the Creoles to bring in their cattle and build their ranch.«

Astrada asked permission from the leaders of these peoples to camp in the region and build houses there. This was conceded but with certain contraints. The Pioneer recounts that the Indians reserved the best land next to the water supplies for themselves and let them settle on the less favourable places. Under the understanding that they were preserving their control of their territory, relations between the Indians and Creoles were characterised by peaceful exchange and economic barter.

Nevertheless, the inequality in the relationship was already defined by the legal and political system. Well aware of their rights, once the colony of Buenaventura was recognised, and acting as 'agents of civilisation' the Creoles, petitioned the Argentine state for the title deeds to »these Indian lands«. The State transferred, free of charge, parcels of 625 hectares. Later, the territory was subdivided by legal means and problems of boundaries between the national government and Salta province began, leaving the transfers made to the colonists by the national government ineffectual.

At various opportunities the colonists manifest their rejection of what they considered an injust act. However, the protest and demands of the 28 indigenous communities for the return of their territory which was appropriated at the beginning of the century were even stronger.

Since 1983 with the return of constitutional government in Argentina, a movement has sprung up within society for the reestablishment of human rights. Among these rights, the right to the possession of land became an unnegotiable claim in rural areas and also in the urban peripheries. Associating these claims with their own political objectives, the ruling Salta class advocated a programme of »regularisation of the legal situation in fiscal territories«. In virtue of this plan in 1986, a project for the parcelisation of Fiscal Plot 55 into units for cattle exploitation was made law despite the warnings of specialised organs that the total area would only sustain 42 units.

The aboriginal response was immediate. After some meetings, the 28 caciques organised themselves to prevent the law being carried out. While the Creoles based the dominance of their claims in the fact that they were descended from the Astrada, the indigenous peoples appealed to their aboriginal rights. They based their demands in their historic occupation of the area, in the destruction of which they have been the victims and on the evidence of the poor conditions from which they suffer because of the ecological deterioration which puts their future lives in danger: »..the aboriginal communities seek justice, that the lands watered by the blood of their elders, the cradle of their ancestors, be returned...«

In the latest petition (1991-1992) presented to the authorities of the Salta government, the indigenous association Thaka Honat, which united the members of the 28 communities, reiterates the urgent need for a halt to the environmental destruction and the need to form a single area, without parcels and in sufficient quantity that guarantees the reproduction of their sociocultural systems.

At the moment it would be hazardous to predict what the government of Salta Province's final answer will be to the claim formulated by Thaka Honat. For its members, however, the struggle continues..... ❑

OUT IN THE COLD

the Legacy of Canada's Inuit Relocation Experiment in the High Arctic

by Alan R. Marcus

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Indigenous Peoples in Rio: The Kari-Oca World Indigenous Conference

By Teresa Aparicio

More than one hundred indigenous nations from five continents chose the United Nations Conference on Environment and Development (UNCED) in June 1992 at Rio de Janeiro as a propitious event for holding their own meetings and discussing their own agenda as well as participating in UNCED as indigenous peoples and nations.

The conferences which drew the largest number of indigenous leaders and representatives were: a) the World Conference of Indigenous Peoples on Territory, Environment and Development which took place at Kari-Oca some 40 km to the north of Rio; b) Indio 92 – the Indigenous Peoples' Conference which formed part of the official calendar of the Global Forum, the parallel non-governmental conference which NGOs ran in the Parque Flamingo in Rio; and c) the conference called Earth Charter which also took place in the city of Rio.

Indigenous participation at the UN Official Conference at the Rio Centre in Rio was not as high as it could have been desired. The majority of the indigenous representatives who participated did so by means of special passes which the UN had offered to various indigenous organisations, especially those working at the international level, or else under the auspices of NGOs with consultative status with the UN. Some NGO representatives supportive of the indigenous cause whom various governments had included in their official delegations supported the work of the indigenous organisations within the Official Conference.

Furthermore, a large majority of indigenous representatives who had come to Rio to participate in the 'Earth Summit' with the hope that they would be given a representative place in UNCED as peoples and nations were not even allowed to enter the Rio Centre and the campus of the Official Conference. This prompted a strong protest on the part of many indigenous representatives, a protest which they decided to carry personally to the Rio Centre. There, the leaders and representatives of the indigenous nations were received by the UN police who with truncheons at the ready gave clear signs that they were prepared to use all force necessary to remove them from the area.

In this way they added unnecessarily another link in the chain of humiliations and vexations to which governments have been subjecting indigenous peoples and nations over their five centuries of common history. Only this time it was not the act of an isolated government against an indigenous nation but the forces of order of the institution which represents the majority of governments against more than one hundred indigenous nations which went to Rio in search of dialogue.

Preparatory Meetings

There were four preparatory NGO meetings which took place under the auspices of the United Nations at its headquarters in Kenya (1990), in Geneva (1990 and 1991) and in New York (1992). Maximising physical, economic and organisational strength, representatives of more than 25 indigenous organisations throughout the world participated.

Parallel to this, indigenous organisations from different regions held their own meetings in order to work out their own agenda as well as themes included in UNCED. For example, the World Rainforest People's Alliance held its first (official) conference (1) in Penang, Malaysia in February 1992 where they debated common problems and outlined communal strategies. The conference passed a Declaration (2) which comprised 47 points and encompassed the Alliance's principles, objectives and demands.

These meetings formed a basis of highly valuable work which facilitated cooperation between the indigenous nations present at Rio. Nevertheless, for the majority of its representatives, Rio was not the culmination of a process but rather the

expression of a union formed by the ideological and spiritual contribution of many different indigenous nations with deep common roots, which enabled their efforts to be coordinated in a process of mutual identification.

This unity of indigenous thought is reflected in the Declaration of Kari-Oca (3) where, simply and poetically, the indigenous peoples recognise the tracks that their forbearers left imprinted in their lands and declare their willingness to follow their footsteps towards the future.

Kari-Oca

The World Conference of Indigenous Peoples on Territory, Environment and Development took place from 25 – 30 May in the indigenous village of Kari-Oca. This village comprised two large communal houses in the Xinguano style, several smaller houses and a large covered area for all the activities. These were constructed specifically for the Conference by the Indians of the Xingu region in the northwest of Brazil. The Rio de Janeiro town council later donated the area to the indigenous organisations of Brazil as a small help towards its maintenance.

In Kari-Oca more than 850 indigenous people came together, representing 82 organisations and quite diverse cultures and languages. They came from the furthest corners of the world, from the icy tundra of the Arctic to the humid tropics of the Amazon and from the dry desert regions of the northern hemisphere to the savannas of Africa.

The conference was financed by different sources, in particular by the governments of Brazil and Holland; the United Nations provided important logistical support for coordinating the conference. Nevertheless, the funding received was not sufficient for all activities which had been programmed. For the same reason, the vast majority of the participants at Kari-Oca were not able to stay on in Rio to take part in UNCED and continue the process which they began at Kari-Oca. Thus the indigenous delegates from Canada, Philippines, the Chittagong Hill Tracts of Bangladesh, Malaysia , Siberia, Kenya, West Papua, Australia and Central and South America, among others, had to return to their countries just before the Official Conference in Rio began.

Three indigenous organisations combined forces in order to make the conference possible: the Coordinadora of Indigenous Organisations of the Amazon (COICA) with its headquarters in Peru; the Intertribal Committee – 500 Years of Resistance, Brazil; and the Mocovi Centre, Argentina.

From the first day of the Kari-Oka Conference an atmosphere of activity, camaraderie, good humour and mutual curiosity reigned, despite the cultural, environmental and language barriers and the lack of material resources. One of the main means of intercommunication were the cultural, religious and shamanistic ceremonies which different indigenous nations performed daily. Indigenous peoples of Central and South America delighted in the ballads of a popular Sami singer and with the dance of the sun performed by an Apache representative, while the trance of a Yanomami shaman was appreciated as a strong spiritual force by the indigenous representatives of Siberia and Malaysia. In the mornings at dawn the success of the days work, which frequently lasted into the small hours of the night, was invoked by an indigenous spiritual leader in a ceremony which dispersed sacred smoke to the four cardinal points of the earth.

The main objective of Kari-Oca was to draw up together an Indigenous Earth Charter which would be distributed to all indigenous peoples and nations of the world, as well as to present it at UNCED and at the Working Group on Indigenous Populations at the UN in Geneva which is at present in the process of drawing up a Declaration of Indigenous Rights (4).

Due to the lack of funding, which meant that there were no translation services, it was decided to work in three language groups: a) the representatives from Brazil, b) the Spanish speakers, and c) those who spoke English. The work of the different groups was presented each day to the general assembly for debate. The agenda for the Earth Charter was in five parts: 1) Human Rights and International law, 2) Lands and Territories, 3) Biodiversity and Conservation, 4) Development Strategies, and 5) Culture, Science and Intellectual Property.

Indigenous Peoples Earth Charter

The Carta de la Tierra which was adopted at Kari-Oca contained a total of 109 points. These comprised the conclusions of the conference and the demands of the indigenous peoples. The Charter is preceded by an introduction and a preamble and followed by the Declaration of Kari-Oca. At the end of the document different resolutions were included which were passed during the conference and the Plans of Action for 1992-1993.

The Indigenous Charter contained specific environmental demands such as the halt of any use of nuclear material (point 47) and that indigenous lands ought not be used for nuclear tests or for nuclear dumping (49). Among the recommendations it states that indigenous peoples ought to orient environmental groups which, in many cases, are more interested in insects than in human beings (40).

On Biodiversity and Conservation, the indigenous peoples reject any proposal to be included in an inert system of biodiversity which tries to maintain them according to only scientific and folkloric premises (59). Lumbering concessions as well as incentives for lumbering, cattle ranching and the mining industry, which negatively affect ecosystems and natural resources, ought to be totally cancelled (58).

Concerning Human Rights and International Law, points 8 and 36 declare that the concept of Terra Nullius (empty land) ought to be erased from the legal textbooks and from use in international law. In the section on Land and Territory the indigenous peoples again affirm their inalienable rights to their lands and their territories and to all the natural resources contained in them (33). Indigenous peoples ought not and cannot be separated from their territories (41).

Point 69, under the theme of Development, stresses that development projects ought to be based on the principles of self-determination and self-administration so that the indigenous peoples can assume control, management and administration of their resources. Similarly, the indigenous peoples affected ought to give consent to any development programme within their territories before its implementation, thus they must obtain *a priori* all the necessary information about the projects and their effects (70); failure to respect their demands, continues the same point, will be considered a crime against the indigenous peoples. The usurping of medicines and traditional knowledge is also considered a crime (99).

As creators and transmitters of civilisation, the indigenous peoples demand that their right to intellectual and cultural property be guaranteed and respected, including the right to their genetic resources, genetic banks, biotechnology and knowledge about biodiversity programmes (102). Point 82 recommends that the United Nations promote research into indigenous knowledge and a network of indigenous sciences.

Throughout the Earth Charter the indigenous peoples maintain their rights: the right to their traditional and spiritual ways of life (16, 17); to their systems of education and their languages (93, 90); to their traditional wisdom, knowledge of plants, herbs and traditional medicines and the traditional knowledge of indigenous curers (95, 96, 26); to their collective rights (1,2); the inalienable right to their territories and natural resources (32) including air, land and sea (34); to their sacred places and ceremonies which ought to be protected (89); to free transport in their territories which are divided by political boundaries imposed by the dominant states (11); to their governments and legal systems which ought to be recognised (13); to their self-determination which ought to be recognised (14); and they demand their right to life (1).

The Rio Centre

Despite the fact that the number of indigenous leaders and representatives with accreditation at UNCED was minimal, there were many gestures of support for the indigenous cause at the Rio Centre. There were press conferences, talks and pro-indigenous demonstrations supported by international celebrities such as Jean-Jacques Costeau which helped to attract the attention of politicians and governmental representatives to the indigenous situation. Parallel to this, at the Global Forum, world famous political and religious personalities such as His Holiness the Dalai Lama of Tibet, members of the United States Congress and various European Senators met with indigenous leaders and listened to their agenda for a common future.

The Kari-Oca Conference coordinating group called various press meetings in the Rio Centre. One of the best attended was held in one of the official locales of UNCED thanks to the help of the NGO representatives in the official Belgian and Dutch delegations.

The press conference was presided over by indigenous leaders and indigenous representatives who had participated in Kari-Oca. **Evaristo Nugkuak Ikanán**, President of the Coordinadora of Indigenous Organisations of the Amazon Basin (COICA) and member of the Organising Committee of the Kari-Oca Conference, officially opened the press conference and gave a general introduction to the indigenous world problem and the overall demands of the indigenous peoples.

Karen Snowshoe, of the Awichin Nation of Canada, spoke on human and collective rights; **Valero Grefa**, of the Confederation of Indigenous Nationalities of Ecuadorian Amazon (CONFENIAE) dealt with territorial property and the concept of indigenous territoriality. **Victoria Corpus** representative of the Alliance of Indigenous Peoples of the Cordillera, Philippines, spoke about the indigenous perspective on biodiversity and the conservation of forests and resources.

Another of the important themes of the Conference, indigenous development strategies in the face of imposed non-indigenous depredation and development in indigenous regions, was presented by **Aslak Nils Sara**, of the Nordic Sami Council of Samiland. The themes, science and intellectual property, were presented by **Atencio López** of the organisation Kunas United by Nabguana-Kuna of Panama.

The final message of the press conference was given by the representatives of the other two member-organisations of the Kari-Oka Organising Committee, **Marcos Terena**, of the Intertribal Committee – 500 Years of Resistance of Brazil, and **Ariel Araujo** of the Mocovi Centre, Argentina.

All the documentation written at Kari-Oca, including the Indigenous Earth Charter, the Declaration, the Plan of Action for 1992-1992 and the Resolutions passed during the Conference were officially presented as the results of the World Meeting of Indigenous Peoples at the end of the press conference.

Indigenous Demands to UNCED

One of the most anxiously-awaited Conventions during the Official Conference was that which concerned Biodiversity and Conservation signed by the governments of industrial countries as well as by those of developing countries. Immediately after the ratification and official signing of the Convention, all the indigenous peoples present at Rio, and also the support NGOs and environmental organisations, labelled it as »bio-imperialism«, because it did not take account of the rights of indigenous peoples and their own resources and it did not even respect indigenous knowledge about these resources.

The indigenous demands presented to UNCED and to the preparatory meetings were unanimous on this aspect. Basically the indigenous demands, in their different versions, called for: »Respect for our rights to the intellectual, cultural and collective property of our peoples, to the genetic resources, banks of germoplasm, biotechnology and knowledge about programmes on biodiversitywhich include our participation at the managerial level in any project concerning our territories, as well as control of the benefits which are derived from them« (6).

With special reference to Agenda 21 (document A/CONF. 151/4, Part III), the group of indigenous peoples who had participated in the Kari-Oca Conference asked, in writing, that their rights to territorial property and their collective rights be recognised. Similarly, in the Treaty on Forests (document A/CONF. 151/6) in page 6, point 8, clause g, which deals with the availability of biological resources including genetic material, they asked that the sovereign rights of indigenous peoples be recognised on a par with the countries in which these resources are found. In the same document (page 8, point 13, clauses b and d), which deals with institutional capacity, they asked that indigenous organisations also be recognised at the directorial level as well as at the level of implementation. Lastly, they asked also that indigenous participation be guaranteed in the evaluation of the fulfilment of Agenda 21 of UNCED, in particular in connection with the Convention on Forest Treaties and on Biodiversity.

None of these demands were accepted. The Convention on Biodiversity, for example, only recognises the rights of the countries in which the resources are situated and the rights of the countries which have systems of production and commercialisation for the utilisation of such resources. The Convention neither recognises nor respects the intellectual property

and the rights of indigenous peoples to their own genetic resources.

The Convention on Biodiversity is nothing more than an economic alliance between countries of the North and South through which the latter have secured some economic rights vis-a-vis the producing countries, the profitability and validity of which remain to be seen. While the countries of the South have achieved recognition of their right to the origin of the genetic resources, they have not known how to defend their own domestic interests which, at least at the political and moral level, ought to be at one with those of the indigenous peoples who live within their boundaries – and who lived there long before these boundaries were named.

The main actors in the industrialised countries utilisation of genetic resources located in indigenous areas are, without any doubt, the same indigenous peoples. And it ought to be stressed that it is thanks to the knowledge of the latter of the medicinal and pharmaceutical properties of their plants that the international pharmaceutical companies have been able to produce medicines of great benefit to mankind. It is also worth remembering here that the percentage of plants utilised for medicinal ends from, for example, the Amazon Basin, is minimal, between 1 per cent and 2 per cent. The pharmacological potential of genetic banks and resources of the Amazon is almost totally unknown.

In the ultimate analysis, the industrialised countries as well as those of the South are going to need the collaboration and knowledge of indigenous peoples in order to develop the genetic potential of the tropical forests for medicinal ends. The question is, in what form is this going to be carried out?

From an ethical point of view, and perhaps to avoid serious problems in the future, what should be done immediately is to amend the Treaty on Biodiversity and include the rights of indigenous peoples to intellectual property and to the resulting benefits of any manipulation of its genetic resources according to the specific desires of each indigenous nation.

Kari-Oka's Message to UNCED

One of the positive results which has arisen out of the coordination and work at Kari-Oka is that UNCED conceded a space in the General Assembly in the Rio Centre for a representative from the Kari-Oka Conference to present the message of all the indigenous peoples to the governments of the world. Marcos Terena, a Brazilian indigenous leader, was unanimously elected to carry this message. Leader Terena's exposition was extensive and one of those which received the greatest ovations. Some of the parts of the message which made the greatest impact among the governments present at the Assembly were the following:

»Above all, we affirm that we are indigenous peoples with inalienable rights to self-determination and to our ancestral lands. Until these rights are recognised and respected by the governments of the United Nations any talk of protection of the environment and sustainable development can only be rhetorical.

We believe that one reason why the degradation of the environment and poverty continue to deteriorate is that the governments do not allow the real custodians of nature, the indigenous peoples, to participate in the processes of decision making.

There is increasing militarisation and nuclearisation in our territories which results in the genocide and ethnocide of the indigenous peoples. Similarly, atomic testing and the dumping of toxic waste on indigenous lands still continue. These are killing us. Until these military operations and the nuclearisation of our territories stops, it will not be possible for us to walk together with the rest of the world in the 21st century.

The models of development which you have imposed on indigenous peoples has not brought us any benefits. On the contrary. Until now, your models of development have destroyed our forests, poisoned our rivers and our air, contaminated our soils and subsoils and robbed the rich biodiversity which we have maintained for generations. Now you have noticed that this type of development cannot continue but you have still not realised that you need us.

You talk of preserving the flora and faun, of the ozone layer, of the forests. You talk about changing unsustainable models of production and consumption but what you need to understand is that you have to contemplate all these issues as a whole. Indigenous peoples have always considered the world in a holistic manner. We do not separate the forest, the rivers, the soil, the animals and the insects from ourselves.

It is this knowledge and this practice over centuries which is real sustainable development. We have sustained our world over thousands of years and guarded the integrity of the ecosystems and the biodiversity. Isn't this what you are looking for?«

Finally, leader Terena offered the nations of the world the cooperation of the indigenous peoples in order to put an end to the ecocide which is poisoning and destroying the planet and proposed to unite forces and knowledge to safeguard and secure life on Earth for the coming generations.

Footnotes

1. The Second Conference of the World Rainforest People's Alliance is expected to take place in 1993 in the Amazon.
2. The Declaration of the World Rainforest People's Alliance adopted in Penang in February 1992 has been published in 'Voz Indígena', the Bulletin of the Interethnic Association for the Development of the Peruvian Rainforest (AIDESEP), which has its headquarters in Lima.
3. The Declaration of Kari-Oka is included at the end of this article.
4. A list with the names of the indigenous organisations and international observers which participated in the conference can be found in the last pages of the attached Declaration of Kari-Oka.
5. The process of drawing up a Declaration of Indigenous Rights within the framework of the United Nations in Geneva began in 1982.
6. Point 40 contained in the section on Biodiversity and Conservation of the World Rainforest People's Alliance.

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Kari-Oca Declaration and Indigenous Peoples Earth Charter (25-30 May 1992)

Preamble

The World Conference of Indigenous Peoples on Territory, Environment and Development. (25-30 May. 1992)

The Indigenous Peoples of the Americas, Asia, Africa, Australia, Europe and the Pacific, united in one voice at Kari-Oca Villages express our collective gratitude to the indigenous peoples of Brazil.

Inspired by this historical meeting, we celebrate the spiritual unity of the indigenous peoples with the land and ourselves.

We continue building and formulating our united commitment to save our Mother the Earth.

We, the indigenous peoples, endorse the following declaration as our collective responsibility to carry our indigenous minds and voices into the future.

Declaration

We the Indigenous Peoples, walk to the future in the footprints of our ancestors.

From the smallest to the largest living being, from the four directions, from the air, the land and the mountains, the creator has placed us, the indigenous peoples upon our Mother the Earth.

The footprints of our ancestors are permanently etched upon the land of our peoples.

We the Indigenous Peoples, maintain our inherent rights to self-determination. We have always had the right to decide our own forms of government, to use our own laws to raise and educate our children, to our own cultural identity without interference.

We continue to maintain our rights as peoples despite centuries of deprivation, assimilation and genocide.

We maintain our inalienable rights to our lands and territories, to all our resources – above and below – and to our waters. We assert our ongoing responsibility to pass these onto the future generations.

We cannot be removed from our lands. We the Indigenous Peoples, are connected by the circle of life to our land and environments.

We the indigenous peoples, walk to the future in the footprints of our ancestors.

Signed at Kari-Oca, Brazil on the 30th day of May, 1992.

Indigenous Peoples Earth Charter

Human Rights and International Law

1. We demand the right to life.
2. International law must deal with the collective human rights of indigenous peoples.
3. There are many international instruments which deal with the rights of individuals but there are no declarations to recognize collective human rights. Therefore, we urge governments to support the United Nations Working Group on Indigenous Peoples' (UNWGIP) Universal Declaration of Indigenous Rights, which is presently in draft form.
4. There exist many examples of genocide against indigenous peoples. Therefore, the convention against genocide must be changed to include the genocide of indigenous peoples.
5. The United Nations should be able to send indigenous peoples' representatives, in a peace keeping capacity, into indigenous territories where conflicts arise. This would be done at the request and consent of the indigenous peoples concerned.
6. The concept of **Terra Nulis** must be eliminated from international law usage. Many state governments have used internal domestic laws to deny us ownership of our own lands. These illegal acts should be condemned by the World.
7. Where small numbers of indigenous peoples are residing within state boundaries, so-called democratic countries have denied indigenous peoples the right of consent about their future, using the notion of majority rules to decide the future of indigenous peoples. Indigenous peoples' right of consent to projects in their areas must be recognized.
8. We must promote the term »indigenous peoples« at all fora. The use of the term »indigenous peoples« must be without qualifications.
9. We urge governments to ratify International Labour Organisation (ILO) Convention 169 to guarantee an international legal instrument for indigenous peoples. (Group 2 only)
10. Indigenous peoples' distinct and separate rights within their own territories must be recognized.
11. We assert our rights to free passage through state imposed political boundaries dividing our traditional territories. Adequate mechanisms must be established to secure this right.
12. The colonial systems have tried to dominate and assimilate our peoples.

However, our peoples remain distinct despite these pressures.

13. Our indigenous governments and legal systems must be recognized by the United Nations, State governments and International legal instruments.
14. Our right to self-determination must be recognized.
15. We must be free from population transfer.
16. We maintain our right to our traditional way of life.
17. We maintain our right to our spiritual way of life.
18. We maintain the right to be free from pressures from multinational (transnational) corporations upon lives and lands. All multinational (transnational) corporations which are encroaching upon indigenous lands should be reported to the United Nations Transnational Office.
19. We must be free from racism.
20. We maintain the right to decide the direction of our communities.
21. The United Nations should have a special procedure to deal with issues arising from violations of indigenous treaties.
22. Treaties signed between indigenous peoples and non-indigenous peoples must be accepted as treaties under international law.
23. The United Nations must exercise the right to impose sanctions against governments that violate the rights of indigenous peoples.
24. We urge the United Nations to include the issue of indigenous peoples in the agenda of the World Conference of Human Rights to be held in 1993. The work done so far by The United Nations Inter-American Commission of Human Rights and the Inter-American Institute of Human Rights should be taken into consideration.
25. Indigenous peoples should have the right to their own knowledge, language, and culturally appropriate education, including bicultural and bilingual education. Through recognizing both formal and informal ways, the participation of family and community is guaranteed.
26. Our health rights must include the recognition and respect of traditional knowledge held by indigenous healers. This knowledge, including our traditional medicines and their preventive and spiritual healing power, must be recognized and protected against exploitation.
27. The World Court must extend its powers to include complaints by indigenous peoples.
28. There must be a monitoring system from this conference to oversee the return of delegates to their territories. The delegates should be free to attend and participate in International Indigenous Conferences.
29. Indigenous Women's Rights must be respected. Women must be included in all local, national, regional and international organizations.
30. The above mentioned historical rights of indigenous peoples must be guaranteed in national legislation.

* *Please note for the purposes of the Declaration and this statement any use of the term »Indigenous Peoples« also includes Tribal Peoples.*

Land and Territories

31. Indigenous peoples were placed upon our Mother, the earth by the Creator. We belong to the land. We cannot be separated from our lands and territories.
32. Our territories are living totalities in permanent vital relation between human beings and nature. Their possession produce the development of our culture. Our territorial property should be inalienable, unceasable and not denied title. Legal, economic and technical back up are needed to guarantee this.
33. Indigenous peoples' inalienable rights to land and resources confirm that we have always had ownership and stewardship over our traditional territories. We demand
that these be respected.
34. We assert our rights to demarcate our traditional territories. The definition of territory includes space (air), land, and sea. We must promote a traditional analysis of traditional land rights in all our territories.
35. Where indigenous territories have been degraded, resources must be made available to restore them. The recuperation of those affected territories is the duty of the respective jurisdiction in all nation states which can not be delayed. Within this process of recuperation the compensation for the historical ecological debt must be taken into account. Nation states must revise in depth the agrarian, mining and forestry policies.
36. Indigenous peoples reject the assertion of non-indigenous laws onto our lands States cannot unilaterally extend their jurisdiction over our lands and territories. The concept of **Terra Nullius** should be forever erased from the law books of states.
37. We, as indigenous peoples, must never alienate our lands. We must always maintain control over the land for future generations.
38. If a non indigenous government, individual or corporation wants to use our lands, then there must be a formal agreement which sets out the terms and conditions. Indigenous peoples maintain the right to be compensated for the use of their lands and resources.
39. Traditional indigenous territorial boundaries, including the waters, must be respected.
40. There must be some control placed upon environmental groups who are lobbying to protect our territories and the species within those territories. In many instances, environmental groups are more concerned about animals than human beings. We call for indigenous peoples to determine guidelines prior to allowing environmental groups into their territories.
41. Parks must not be created at the expense of indigenous peoples. There is no way to separate indigenous peoples from their lands.
42. Indigenous peoples must not be removed from their lands in order to make it available to settlers or other forms of economic activity on their lands.
43. In many instances, the numbers of indigenous peoples have been decreasing due to encroachment by non-indigenous peoples.
44. Indigenous peoples should encourage their peoples to cultivate their own traditional forms of products rather than to use imported exotic crops which do not benefit local peoples.
45. Toxic wastes must not be deposited in our areas. Indigenous peoples must realize that chemicals, pesticides and hazardous wastes do not benefit the peoples.

46. Traditional areas must be protected against present and future forms of environmental degradation.
47. There must be a cessation of all uses of nuclear material.
48. Mining of products for nuclear production must cease.
49. Indigenous lands must not be used for the testing or dumping of nuclear products.
50. Population transfer policies by state governments in our territories are causing hardship. Traditional lands are lost and traditional livelihoods are being destroyed.
51. Our lands are being used by stare governments to obtain funds from the World Bank, the International Monetary Fund, the Asian Pacific Development Bank and other institutions which have led to a loss of our lands and territories.
52. In many countries our lands are being used for military purposes. This is an unacceptable use of the lands.
53. The colonizer governments have changed the names of our traditional and sacred areas. Our children learn these foreign names and start to lose their identity. In addition, the changing of the name of a place diminishes respect for the spirits which reside in those areas.
54. Our forests are not being used for their intended purposes. The forests are being used to make money.
55. Traditional activities, such as making pottery, are being destroyed by the importation of industrial goods. This impoverishes the local peoples.

Biodiversity and Conservation

56. The Vital Circles are in a continuous interrelation in such a way that the change of one of its elements affects the whole.
57. Climatic changes affect indigenous peoples and all humanity. In addition ecological systems and their rhythms are affected which contributes to the deterioration of our quality of life and increases our dependency.
58. The forests are being destroyed in the name of development and economical gains without considering the destruction of ecological balance. These activities do not benefit human beings, animals, birds and fish. The logging concessions and incentives to the timber, cattle and mining industries affecting the ecosystems and the natural resources should be cancelled.
59. We value the efforts of protection of the Biodiversity but we reject to be included as part of an inert diversity which pretend to be maintained for scientific and folkloric purposes.
60. The indigenous peoples strategies should be kept in a reference framework for the formulation and application of national policies on environment and biodiversity.

Development Strategies

61. Indigenous peoples must consent to all projects in our territories. Prior to consent being obtained the peoples must be fully and entirely involved in any decisions. They must be given all the information about the project and its effects. Failure to do so should be considered a crime against the indigenous peoples. The person or persons who violate this should be tried in a world tribunal within the control of indigenous peoples set for such a purpose. This could be similar to the trials held after World War II.
62. We have the right to our own development strategies based on our cultural practices and with a transparent, efficient and viable management and with economical and ecological viability.
63. Our development and life strategies are obstructed by the interests of the government and big companies and by the neoliberal policies. Our strategies have, as a fundamental condition, the existence of International relationships based on justice, equity and solidarity between the human beings and the nations.
64. Any development strategy should prioritize the elimination of poverty, the climatic guarantee, the sustainable manageability of natural resources, the continuity of democratic societies and the respect of cultural differences.
65. The global environmental facility should assign at best 20% for indigenous peoples' strategies and programs of environmental emergency, improvement of life quality, protection of natural resources and rehabilitation of ecosystems. This proposal in the case of South America and the Caribian should be concrete in the Indigenous development fund as a pilot e: perience in order to be extended to the indigenous peoples of other regions and continents.
66. The concept of development has meant the destruction of our lands. We reject the current definition of development as being useful to our peoples. Our cultures are not static and we keep our identity through a permanent recreation of our life conditions; but all of this is obstructed in the name of so-called developments.
67. Recognizing indigenous peoples' harmonious relationship with Nature, indigenous sustainable development strategies and cultural values must be respected as distinct and vital sources of knowledge.
68. Indigenous peoples have been here since the time before time began. We have come directly from the Creator. We have lived and kept the Earth as it was on the First Day. Peoples who do not belong to the land must go out from the lands because those things (so called »Development« on the land) are against the laws of creator.
69. (a) In order for indigenous peoples to assume control, management and administration of their resources and territories, development projects must be based on the principles of self-determination and self-management.
(b) Indigenous peoples must be self-reliant.
70. If we are going to grow crops, we must feed the peoples. It is not appropriate that the lands be used to grow crops which do not benefit the local peoples.
(a) Regarding indigenous policies, State Government must cease attempts of assimilation ind integration.
(b) Indigenous peoples must consent to all projects in their territories. Prior to consent being obtained, the peoples must be fully and entirely involved in any decisions. They must be given all the information about the project and its effects. Failure to do so should be considered a crime against indigenous peoples. The person or persons responsible should be tried before a World Tribunal, with a balance of indigenous peoples set up for such a purpose. This could be similar to the Trials held after the second World War.
71. We must never use the term »land

claims«. It is the non-indigenous peoples which do not have any land. All the land is our land. It is non-indigenous peoples who are making claims to our lands. We are not making claims to our lands.

72. There should be a monitoring body within the United Nations to moniter all the land disputes around the World prior to development.
73. There should be a United Nations' Conference on the topic of »Indigenous Lands and Development«.
74. Non-indigenous peoples have come to our lands for the purpose of exploiting these lands and resources to benefit themselves, and to the impoverishment of our peoples. Indigenous peoples are victims of development. In many cases indigenous peoples are exterminated in the name of a development program. There are numerous examples of such occurrences.
75. Development that occurs on indigenous lands, without the consent of indigenous peoples, must be stopped.
76. Development which is occurring on indigenous lands is usually decided without local consultation by those who are unfamiliar with local conditions and needs.
77. The eurocentric notion of ownership is destroying our peoples. We must return to our own view of the world, of the land and of development. The issue cannot be separated from indigenous peoples' rights.
78. There are many different types of so-called development: road construction, communication facilities such as electricity, telephones. These allow developers easier access to the areas, but the effects of such industrialization destroy the lands.
79. There is a world wide move to remove indigenous peoples from their lands and place them in villages. The relocation from the traditional territories is done to facilitate development.
80. It is not appropriate for governments or agencies to move into our territories and to tell our peoples what is needed.
81. In many instances, the state-governments have created artificial entities such as »district council« in the name of the state-government in order to deceive the international community. These artificial entities then are consulted about development in the area. The state-government, then, claim that indigenous peoples were consulted about the project. These lies must be exposed to the international community.
82. There must be an effective network to dissimiate material and information between indigenous peoples. This is necessary in order to keep informed about the problems of other indigenous peoples.
83. Indigenous peoples should form and direct their own environmental network.

Culture, Science and Intellectual Property

84. We feel the Earth as if we are within our mother. When the Earth is sick and

polluted, human health is impossible. To heal ourselves, we must heal the Planet and to heal the Planet, we must heal ourselves.

85. We must begin to heal from the grass roots level and work towards the international level.
86. The destruction of the culture has always been considered an internal, domestic problem within national states. The United Nation must set up a tribunal to review the cultural destruction of the indigenous peoples.
87. We need to have foreign observers come into our indigenous territories to oversee national state elections to prevent corruption.
88. The human remains and artifacts of indigenous peoples must be returned to their original peoples.
89. Our sacred and ceremonial sites should be protected and considered as the patrimony of indigenous peoples and humanity. The establishment of a set of legal and operational instruments at both national and international levels would guarantee this.
90. The use of existing indigenous languages is our right. These languages must be protected.
91. States that have outlawed indigenous languages and their alphabets should be censored by United Nations.
92. We must not allow tourism to be used to diminish our culture. Tourists come into the communities and wiew the people as if indigenous peoples were part of a zoo. Indigenous peoples have the right to allow or to disallow tourism within their areas.
93. Indigenous peoples must have the necessary resources and control over their own education systems.
94. Elders must be recognized and respected as teachers of the young people.
95. Indigenous wisdom must be recognized and encouraged.
96. The traditional knowledge of herbs and plants must be protected and passed onto future generations.
97. Traditions cannot be separated from land, territory or science.
98. Traditional knowledge has enabled indigenous peoples to survive.
99. The usurping of traditional medicines and knowledge from indigenous peoples should be considered a crime against peoples.
100. Material culture is being used by the non-indigenous to gain access to our lands and resources, thus destroying our cultures.
101. Most of the media at this conference were only interested in the pictures which will be sold for profit. This another case of exploitation of indigenous peoples. This does not advance the cause of indigenous peoples.
102. As creators and carriers of civilizations which have given and continue to share knowledge, experience and values with humanity, we require that our right to intellectual and cultural properties be guaranteed and that the mechanism for each implementation be in favour of our peoples and studied in depth and implemented. This respect must include the right over genetic resources, genebanks, biotechnology and knowledge of biodiversity programs.
103. We should list the suspect museums and institutions that have misused our cultural and intellectual properties.
104. The protection, norms and mechanisms of artistic and artisan creation of our peoples must be established and implemented in order to avoid plunder, plagiarism, undue exposure and use.
105. When indigenous peoples leave their communities, they should make every effort to return to the community.
106. In many instances, our songs, dances and ceremonies have been viewed as the only aspects of our lives. In some instances, we have been asked to change a ceremony or a song to suit the occasion. This is racism.
107. At local, national, international levels, governments must commit funds to new and existing resources to education and training for indigenous peoples, to achieve their sustainable development, to contribute and to participate in sustainable and equitable development at all levels. Particular attention should be given to indigenous women, children and youth.
108. All kinds of folkloric discrimination must be stopped and forbidden.
109. The United Nations should promote research into indigenous knowledge and develop a network of indigenous sciences. ❑

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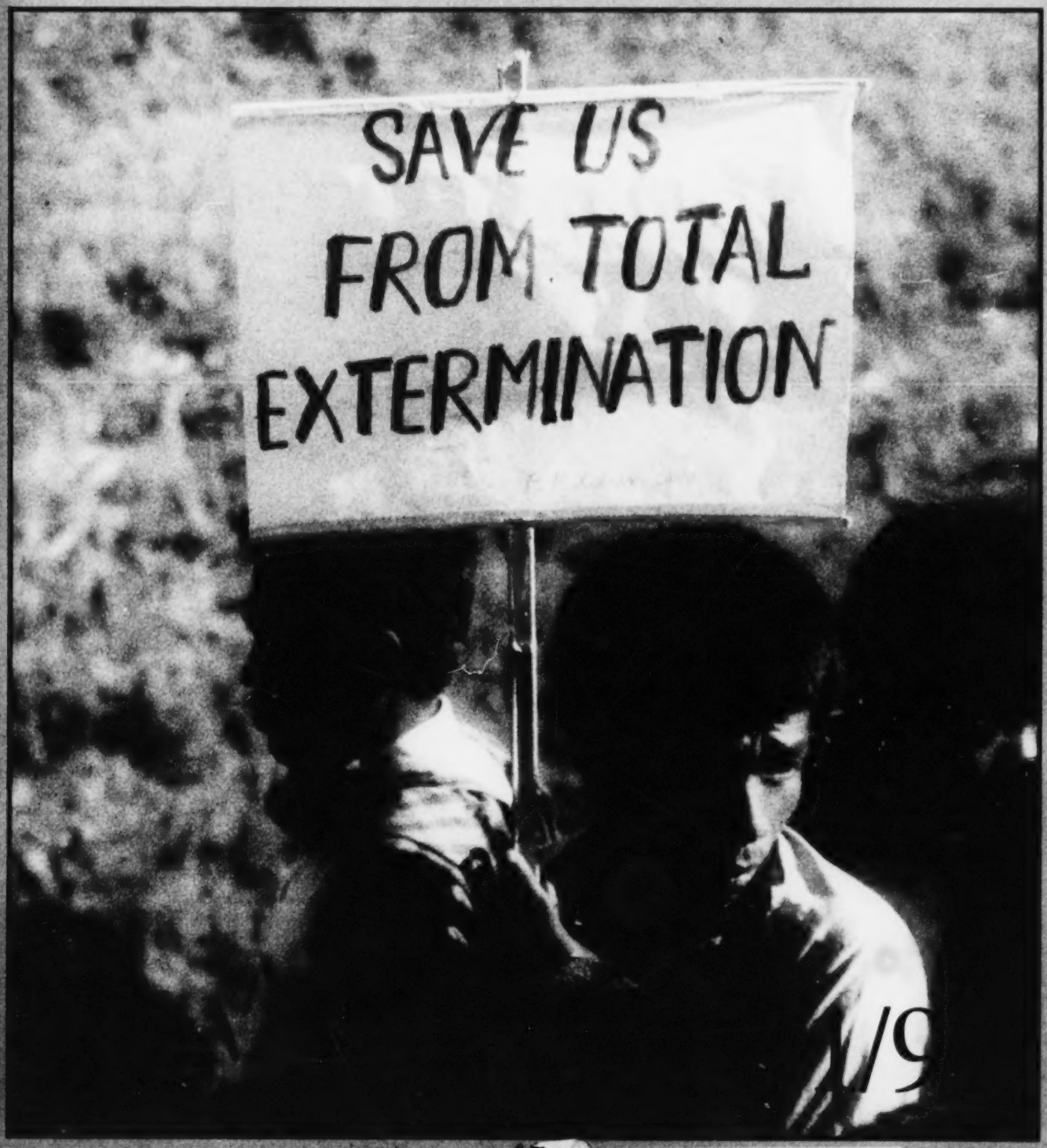

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Editorial

A partir de este número del Boletín IWGIA, introducimos un nuevo formato. Esto nos permitirá una mayor flexibilidad en el contenido y diagramación, y la introducción de una nueva sección titulada "Ultimas Noticias".

Otro cambio de importancia es que el Boletín y su versión inglesa, Newsletter, serán a partir de ahora idénticos.

Esperamos que éstos cambios resultarán en un Boletín cualitativamente superior. Debido a nuestros recursos muy limitados, este proceso no ha sido, ni será, un proceso fácil. Sin embargo esperamos que en el futuro, los cambios nos permitirán publicar en forma más regular y actualizada.

Hace algunos años IWGIA inició un proyecto llamado Sur-Sur. Una de las ideas de este proyecto era difundir información entre los grupos indígenas de todas partes del mundo. La irrupción en la escena internacional de pueblos indígenas de Africa, la Unión Soviética y Asia, ha transformado a ésto en una tarea tremenda. Pero esperamos ser capaces de hacer, al menos, una pequeña contribución a este proceso.

Este número refleja la mayor atención prestada a los pueblos indígenas de Africa y Asia. El pequeño grupo de *hadzabe* en Tanzania, y los *san* de Botswana son uno de los pocos pueblos cazadores y recolectores del mundo. Habitan áreas que están en el centro de la preocupación internacional. No porqué estas culturas estén amenazadas, sino para proteger a los animales salvajes. Los gobiernos nacionales no reconocen los derechos territoriales consuetudinarios de estos pueblos, y el concepto de desarrollo sostenible parece no ser reconocido en este marco.

Pocos pueblos indígenas han recibido más publicidad internacional que los *yanomami* de Brasil. Sin embargo, su situación sigue siendo precaria. Para analizar el conflicto de tierras visto por los yanomami, publicamos un material de fondo escrito por Alcida Ramos.

Es sabido que muy pocos países reconocen el derecho de los pueblos indígenas. En la mayoría de los países ésto es todavía algo a lograr. En Argentina, los grupos indígenas exigen ahora que sus derechos sean contemplados en el proceso de reforma constitucional. El enfoque asimilacionista está profundamente arraigado en la conciencia de los pueblos no-indígenas de América Latina tal como lo demuestra Evaristo Nugkuag en su respuesta a Mario Vargas Llosa.

En el norte soviético, un gran número de comunidades exigen ahora una autonomía cuyo tipo está siendo debatido - la creación de reservas es uno de ellos. La U.R.S.S. también es muestra de que la destrucción ecológica es algo más que un fenómeno de la selva, tal como lo informa Yeremei Aipin, y los pueblos pueden verse forzados a adoptar otros medios que los verbales.

Las consecuencias ecológicas de los megaproyectos técnicos son amenazantes, pero los gobiernos continúan construyendo represas enormes como la de James Bay II en Quebec, Canadá. En los 70, los *cree* y los *inuit* de Quebec se opusieron, en vano, a la construcción de la primera fase de este ambicioso proyecto. Hoy, más de 15 años después, el gobierno canadiense barre los intereses y derechos de los pueblos indígenas. Lo mismo hizo la corte en la provincia de Columbia Británica en el caso de la demanda de tierras de los *gitksan-wet:* los gitksan no tienen derecho a reclamar la propiedad de su tierra y sus derechos aborígenes están extinguidos.

Por primera vez una comisión internacional independiente pudo entrar en Chittagong Hill Tracts en Bangladesh para investigar las violaciones de los derechos humanos contra los pueblos tribales. El informe, que fue publicado por IWGIA, en mayo de este año, documenta graves violaciones de los derechos humanos. Un sumario de las conclusiones y recomendaciones es publicado en este Boletín. Desde la publicación de este informe, la información sobre Chittagong Hill Tracts muestra que el nuevo gobierno democrático ha continuado la política represiva del antiguo régimen militar.

Finalmente tenemos la buena noticia de que el poeta *saami* Nils-Aslak Valkeapää obtuvo el Premio de Literatura del Consejo Nórdico de 1991. ❑

Cazadores en un campo de trigo

por Svein Ejven Olsen

TANZANIA, Africa Oriental

En lo alto, por encima de las onduladas estribaciones de la meseta de Kainam, los buitres vuelan perezosamente en círculos, en la neblina de la perenne estación seca. Este año la neblina parece especialmente espesa. Uno puede apenas, divisar la costa oriental del lago Eyasi, nada más que a unas treinta millas de distancia pero aproximadamente a un día de viaje en cualquier tipo de transporte. Entre nosotros y el lago se extiende el valle Yaida, sereno y aparentemente prístino. A primera vista Yaida parece ser el perfecto Jardín del Edén. Las colinas de los alrededores cubiertas por la siempre presente acacia, descienden suavemente hacia el valle. El fondo del valle está dominado por un gran llano, levemente distorsionado por el reluciente calor y el reflejo del pasto seco. Al este, la llanura está bordeada por la orilla verde de un ancho pantano. Cuando miramos abajo hacia el valle, un sentimiento de estar presenciando el último refugio primordial remanente, nos invade. Si un dinosaurio apareciera súbitamente en esa gran llanura, no sería sorprendente. Un sentimiento de inexplicable tristeza nubla nuestra visión por un momento, quizás un remanente emocional de nuestros antepasados quienes posiblemente caminaron en este valle, o algo muy parecido, en su incesante lucha por la supervivencia.

Abajo en el valle delgadas columnas de humo descubren la presencia de un grupo de gente, considerada por algunos investigadores, como uno de los verdaderos grupos indígenas de Africa Oriental: el pueblo *hadzabe*. (Localmente son lla-mados los *tingida*, lo que se traduce por "el pueblo del pantano"). Una tribu de cazadores y recolectores, los hadzabe han sido el objeto de una exorbitante cantidad de investigación y estudio en las últimas décadas. Raramente pasa un año sin el pasar de un Land Rover o vehículo todo terreno donado, recorriendo el valle en búsqueda de información para alguna tesis o informe destinado a ser entregado en alguna lejana institución para ser guardados en polvorientos archivos. Para los hadzabe, el ir y venir de los investigadores y programas ha llegado a ser parte de la rutina diaria, algo para ser tolerado y utilizado al máximo, en términos de pequeñas ventajas como alimentos gratuitos o otros artículos útiles.

El programa Mono

El principal promotor de tales programas ha sido el gobierno de Tanzania, quién ve la presencia de este grupo de gente "casi en la edad de piedra", como un lujo que la sociedad de Tanzania difícilmente puede permitirse. El gobierno se adhiere a la filosofía de "una nación - un pueblo". El principio básico de esta filosofía enfatiza la necesidad de un sentido de identificación general con una comunidad, completamente integrada en relación a la economía, las instituciones y la cultura. Como consecuencia el gobierno ha iniciado periódicamente programas designados a integrar al pueblo hadzabe en el redil socio-económico de la sociedad.

Mongo wa Mono (localmente abreviado como Mono) es la encarnación física de uno de estos programas. En este lugar, a unas pocas millas del centro local de Yaida Chini (ubicado apenas al sur del pantano Yaida), las autoridades han establecido un programa aldeano (administrativamente bajo los auspicios de la aldea de Yaida Chini) para los hadzabe, con la intención de convertirlos a una cultura agrícola. Cuando nosotros llegamos (julio de 1990) habían aproximadamente 700 hadzabe en la aldea. Otros 60 aparentemente originarios de la región Shinyange, más al noroeste, llegaron el mismo día. Según el censo oficial la población hadzabe se estima aproximadamente en 2.500 individuos. Los investigadores con los que hablamos sostienen que la cifra real era cerca de 1.000. Pero estas cifras contenían un amplio grado de incertidumbre, ya que se sabe que grupos de hadzabe están "escondidos" en los bosques de la región Yaida/Eyasi.

La ubicación de Mono fue elegida por un grupo inicial de hadzabe en 1987. Una regular y pequeña cantidad de hadzabe han emigrado del "bush" desde entonces. Un notable aspecto es el hecho de que esta ubicación y este "proyecto" de aldea fue iniciado por los hadzabes mismos y no fue el resultado de alguna política de gobierno. Desde luego, el gobierno está tratando de sacar ventajas en la aldea Mono. El asentamiento Mono es ahora, por lo tanto, central en los esfuerzos del gobierno para asimilar a los hadzabe.

A pesar que el acceso al agua es pobre (la próxima fuente de agua se encuentra a cuatro horas de viaje de ida y vuelta), el lugar posee suelo relativamente fértil y está protegido hasta cierto grado del poblado Yaida Chini por las colinas que lo rodean. Han sido hecho intentos por encontrar agua en la vecindad pero ellos han resultado inútiles hasta el momento. Esto puede resultar decisivo en cuanto a la probabilidad de éxito del programa. Como los hadzabe lo expresan en swahili *"¡Hapa hamma maji, lakini msituni kuna maji mengi sana!"* (¡aquí no hay agua, pero en el bosque hay mucha agua!)

El principal estímulo para los hadzabe para trasladarse a Mono ha sido la provisión de comida gratuita (donada a través de Oxfam). Con la ayuda de CUSO (Canadian Universities Services Overseas) un amplio programa de desarrollo comunitario se ha puesto en marcha. Un mínimo de servicios de salud son provistos por un hospital misionero cercano (Haydom Lutheran Hospital) que realiza un programa básico de salud (PHC - primary health care), programa subvencionado en parte por la Asociación de Aviación Misionera (MAF). Este servicio

consiste en un vuelo mensual a Yaida de una unidad PHC del hospital de Haydom.

Se proporciona educación primaria en la escuela local de Yaida. Esta es un componente importante de los esfuerzos del gobierno para asegurar la asimilación de los hadzabe. El programa de educación se canaliza en dos líneas: educación primaria formal que se ofrece a los niños hadzabe mientras programas de educación adulta llegan a los hadzabe adultos. Alimentos gratuitos y uniformes escolares son proporcionados como alicientes para hacer atractiva la participación en la escuela. Además, los jóvenes hadzabe (cerca del término del programa de educación primaria) son regularmente extraídos por así decirlo, de su medio natural y llevados a varias instituciones nacionales (truco obvio para facilitar la "transformación" de actitudes). Si el objetivo de estos programas de educación era o es la conversión de los hadzabe a la gran sociedad de Tanzania con la adopción consecuente de una cultura sedentaria agropastoral, ellos pueden ciertamente ser considerados como fracasos.

La agricultura intenta ser claramente el pilar de la economía del programa. Ha sido arrendada ayuda exterior para arar y preparar los campos. Los hadzabe participan en la siembra. La cosecha es un esfuerzo común entre la ayuda externa y los hadzabe. Aparte de esto, los hadzabe no parecen estar muy comprometidos respecto al rol de la agricultura para su cultura. Es notable que el campo que produce el mayor nivel de cosechas pertenece a un hombre de la tribu *chagga* (de la región Moshi/Pare) que se unió a los hadzabe a través de matrimonio con una joven hadzabe.

Según algunas fuentes locales existe un considerable prestigio político en presentar un programa de asimilación que "resulte", por así decirlo. La presión resultante de los ejecutivos del gobierno ha creado en cierto modo una actitud pasiva contraproducente entre los hadzabe.

El bosque como una válvula de seguridad

Voceros locales sostienen que el estado de salud y nutrición de los hadzabe, eran mejores antes que los programas aldeanos fueran puestos en acción. En los bosques los hadzabe tenían acceso a una dieta equilibrada consistente de bayas, miel y carne junto a pequeñas cantidades de productos agrícolas adquiridos a través del comercio con tribus vecinas. Después de la mudanza a las aldeas la dieta ha estado basada en el acceso a comida gratuita que ciertamente no contiene la misma cantidad de vitaminas y valores nutritivos. Una encuesta al hospital Haydom confirma que ha habido un aumento en el número de casos de desnutrición registrados entre los hadzabe.

Como indicado por el comentario sobre la situación del agua, muchos hadzabe mantuvieron el bosque como una válvula de seguridad. Si el programa falla, o los alicientes (comida gratuita, etc.) son considerados insuficientes, los hadzabe piensan que ellos siempre pueden volver a su forma de vida anterior, simplemente escapándose a los bosques. Sin embargo existe motivo para preguntarse cuán válida es esta válvula de seguridad. Los hadzabe alrededor de Yaida han estado más o menos involucrados en programas de asentamiento desde mediados de los sesenta. Ciertamente, el gobierno

británico intentó colonizar a los hadzabe ya en los últimos años de la década del veinte.

Con cada año que pasa, las generaciones más jóvenes se encontrarán más alienadas respecto a la cultura de sus padres. La generación de los padres puede fácilmente adaptarse al bosque al estar ellos ya acostumbrados. Pero las generaciones jóvenes han vivido la mayor parte de sus vidas en diversas aldeas del programa. A pesar que el bosque está alrededor de Mono, los hadzabe han efectivamente cazado y despejado la región de su fauna, en un radio de unas diez millas. Sin embargo no es del todo correcto decir que los hadzabe han vaciado la región solos. Los últimos años han visto el advenimiento de grandes "paquetes" de caza, destinados a los turistas, vendidos por una agencia de turismo en Arusha. Estos "paquetes" han resultado en campos fijos, en la región de Yaida/Eyasi. Durante la temporada de caza los turistas (supuestamente incluyendo príncipes de Kuwait y Arabia Saudita) cazan grandes cantidades de piezas. Entre las estaciones de caza, el personal de estos campos establecidos, continúa la caza. La caza furtiva (principalmente de las tribus vecinas) exacerba la presión sobre la fauna.

El joven por eso, no tiene la exposición cotidiana a un habitat forestal, rico en caza necesaria para la sobrevivencia en aquel habitat. En este contexto tuvimos una experiencia que nos hizo pensar. Hicimos un pequeño esfuerzo para encontrar un grupo de hadzabe, que supuestamente estaban escondidos en la sierra que separa el valle Yaida del lago Eyasi. Como guía teníamos al hijo de un hombre hadzabe local. Rápidamente demostró ser inútil para rastrear o identificar huellas de animales. El autor reconoce que "la inutilidad" puede haber sido intentada para impedir los esfuerzos en localizar al grupo hadzabe. No obstante esto no pareció ser el caso, ya que el guía perdió relativamente rápido la orientación de dónde estaba y nosotros tuvimos que hacer reconocimiento del área con nuestro conocimiento anterior. Respecto al grupo hadzabe, encontramos señas de que alguien había estado recientemente en la región, pero de nuevo estas pueden haber sido las huellas de grupos de cazadores furtivos, que se sabe que están en la región.

La caza furtiva es un problema creciente en la región y afecta directamente a los hadzabe. Grupos de cazadores ilegales de las tribus cercanas (especialmente los *iramba, isanzu y turu*) bajan regularmente a la región Yaidi/Eyasi a cazar carne ilegalmente. Se puede ver esta carne venderse en los *mnadas* o mercados realizados periódicamente en la región.

Estos "equipos" de cazadores furtivos emplean a menudo hadzabe como rastreadores o cargadores. Usualmente estas tribus externas tratan a los hadzabe como un pueblo inferior. Por esto, los hadzabe son a menudo víctimas de hostigamiento cuando entran en contacto con estos grupos de cazadores. Como estos grupos de cazadores ilegales pueden a menudo contar con hasta cuarenta hombres armados, los escasos cuidadores de caza estacionados en Yaida Chini están totalmente superados y aparentemente sin poder hacer nada. La guerra contra los cazadores ilegales es una prioridad para las autoridades nacionales y los gendarmes, por eso, tienen ordenes permanentes de "disparar a matar" en encuentros con cazadores ilegales. Dada su condición de trabajo con relación a los grupos de cazadores, los hadzabe están en efecto atrapados en un fuego cruzado que los deja sin derechos fuera de la aldea.

La presión de las tribus vecinas y los derechos territoriales

Como ya mencionado, las tribus de los alrededores ven a los hadzabe como un pueblo inferior. El efecto negativo que esta actitud pudiera haber tenido, ha sido anteriormente contrarrestada por el hecho de que los hadzabe tendían a aislarse del contacto con tribus vecinas. Con el advenimiento de los programas de aldea los hadzabe están obligados al contacto con las culturas vecinas. Las generaciones jóvenes a través de la educación escolar se encuentran con sus iguales de otras tribus y crecen con la advertencia constante de que su cultura propia es considerada inferior. El resultado es obvio y puede ser fatal para el futuro de los hadzabe. Los hombres jóvenes crecen alienados de su propia cultura, por lo tanto reduciendo la vigencia del bosque como una válvula de escape. Las mujeres jóvenes intentan realizar movilización social y se casan con miembros de otras tribus para ascender socialmente. En el espacio de pocas generaciones los hadzabe pueden llegar virtualmente a extinguirse como una entidad cultural.

Las tribus que viven en las regiones próximas están invadiendo regularmente la región hadzabe. A comienzos de 1900 la región alrededor de Yaida era considerada como un desierto vacío. La presencia endémica de la enfermedad del sueño trasmitida por la mosca tsétsé ciertamente ayudaba a aislar la región. En ese período los hadzabe eran el único pueblo que vivía en la región e incluso eran considerados "animales salvajes". En la década de los cuarenta, los *datoga, iraqw* y otras tribus vecinas comenzaron a inmigrar a la región. Desde entonces la inmigración ha aumentado. La tribu iraqw es actualmente especialmente expansiva. Por esta razón, los derechos territoriales se han transformado en un asunto crucial. Pero como otras tribus (por ejemplo los *masai* y los *baraig datoga*) han experimentado en Tanzania, el asunto de los derechos territoriales es también controversial. De costumbre los derechos territoriales son difíciles de comprobar, ya que la tierra en cuestión nunca ha sido oficialmente relevada ni ratificada. En 1985 el gobierno inició una nueva política en el uso de la tierra en el programa para la implementación de planes nacionales de agricultura y manejo de animales (en swahili: *Programu ya kutekeleza Fera ya Taifa ya Kilimo na Nifugo*). Según la ley, las aldeas tienen derecho a una cierta cantidad de tierra. Sin embargo para asegurar la tenencia de la tierra cada aldea debe trazar su propio plan de uso de la tierra. Este plan es luego presentado a las autoridades gubernamentales para su aprobación. En ocasión de la ratificación, se realiza un relevamiento de los límites de la tierra de la aldea, asegurando las bases de un título de la tierra de la aldea. Subtítulos de propiedad son posteriormente otorgados a aldeanos particulares. (La naturaleza relativamente "estática" de estos límites titulados tendrá supuestamente efectos adversos para las culturas nómadas). La administración de este plan de uso de la tierra será la responsabilidad de cada aldea y el gobierno no debería suplantar este derecho. No obstante ante los grandes intereses de plantaciones, políticas locales de poder e ignorancia respecto a la ley, los derechos territoriales no son mantenidos. Ciertas organizaciones locales están llevando a cabo grandes campañas de concientización, enfocando sobre los derechos territoriales **aldeanos** más que en derechos territoriales **individuales**. La táctica parece ser diplomacia silenciosa en lugar del enfrentamiento en gran escala adoptado por el caso barabaig versus NAFCO. (En este caso la tribu barabaig después de años de usurpaciones cometidas por un proyecto gubernamental de trigo (NAFCO), llevó el caso a la Corte Suprema. El caso fue temporalmente perdido cuando el gobierno adoptó una ley declarando que los derechos territoriales consuetudinarios eran anulados para los barabaig a partir de 1987. Ver Boletín IWGIA Vol. 10 Nos. 1/2).

Según lo que el autor ha podido averiguar los hadzabe no tienen conciencia de sus derechos territoriales. Según fuentes locales los hadzabe nunca han tradicionalmente ocupado la tierra de un modo que causara conflictos entre ellos y las tribus de alrededor. Hasta las últimas décadas, la región en cuestión ha sido suficientemente grande para permitir el modo de vida relativamente móvil y nómada, que los hadzabe necesitaban como cazadores y recolectores. Sin embargo con la rápida invasión de otras tribus la posesión de la tierra está llegando a ser un grave problema. Con respecto a ésto es importante que Mono sea registrada como una aldea separada. La aldea Yaida se compone de miembros de otras tribus (especialmente iraqw e isanzu) y por eso hay un cierto elemento de intereses creados en lo que concierne a las respectivas tribus. Miembros de la tribu iraqw ya se están estableciendo en las proximidades de la aldea Mono.

Como existen muchos ejemplos que organizaciones endógenas actuando en "nombre de" causen más bien antagonismo (oposición) etc., en las estructuras burocráticas nacionales, el asunto debe consistir ahora en inducir una conciencia de estos derechos territoriales, de modo que los hadzabe puedan ellos mismos impulsar estos derechos a través del sistema judicial de Tanzania. El plan del uso de la tierra supone un elemento de participación comunitaria. Es por eso vital que los hadzabe participen en el proceso de formular su propio plan y así aprovechar las posibilidades intrínsecas de tal plan. Por ejemplo los hadzabe pueden designar ciertas regiones como "reservas forestales" para ser utilizadas como fuentes de miel y bayas silvestres.

La lucha para mantener su identidad cultural parece una ardua tarea para los hadzabe. Enfrentados a una presión siempre en aumento de las tribus invasoras, adversos efectos de los programas gubernamentales de "domesticación", actitudes que ocasionan complejos de inferioridad etc., la batalla parece casi imposible. Si algo no cambia radicalmente en el próximo futuro, los buitres volando en círculos perezosamente sobre un aparentemente sereno y hermoso valle de Yaida, pueden ser un mal pronóstico de lo que el futuro guarda para el pueblo hadzabe.

Fuentes

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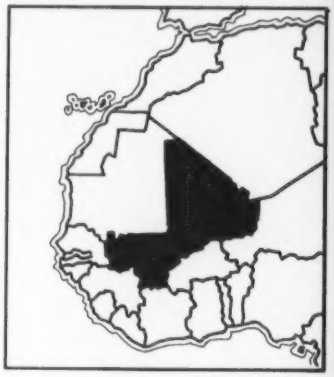
2. *¿Qué son ellos, enemigos o socios?*; D.K. Ndagala, documento presentado en la Sexta Conferencia Internacional sobre Sociedades Cazadoras y Recolectoras; Alaska, 27 de junio 1990.

Svein Ejven Olsen es actualmente encargado del programa Cuerno de Africa de la Ayuda del Pueblo Noruego. Anteriormente ha trabajado para NORAD. Creció en Tanzania (en Haydom) y como tal, posee cierto conocimiento basal de la región Yaida/Eyasi. Este artículo está basado en una visita que realizó a la región Yaida/Eyasi, en el verano de 1990. ❑

Africa Occidental:
Tratado Tuareg (*)



MALI, Afraca Occidental

El boletín de IWGIA no.62 (1990) informa que los *tuareg* en Mali habían tomado las armas contra el gobierno central. El 6 de enero de 1991, los tuareg guiados por el líder rebelde Iyad Ag Ghali y el gobierno de Mali representado por el general Ousmane Coulibaly, sorprendentemente firmaron un tratado de paz. En los esfuerzos de llegar a una tregua, esta era la tercera vuelta de las negociaciones entre las dos partes. Todas las negociaciones fueron realizadas en Tamanrasset, en Argelia donde el gobierno de Argelia garantizó la seguridad de las partes involucradas.

El tratado de paz otorga grandes concesiones a los tuareg nómadas, que se encuentran en su mayoría en las dos regiones norte (6 y 7) de las 7 regiones fronterizas al desierto de Sahara. Entre los puntos más importantes del tratado se encuentran los siguientes:

- los rebeldes tienen permiso de guardar sus armas en determinadas regiones;
- intercambio de todos los prisioneros de guerra;
- la vasta región 7 será dividida en dos, de modo que el Círculo de Kidal será una región propiamente dicha;
- a estas dos regiones del norte se les dará autonomía interna dentro del estado de Mali;
- las regiones del norte, especialmente la región de Kidal, serán liberadas de sus bases militares. (Desde la rebelión tuareg en 1963-64, el ejército de Mali ha mantenido muchos soldados estacionados en esta región). Los soldados patrullarán ahora los límites, pero no serán utilizados contra los civiles dentro de Mali.
- los soldados tuareg serán admitidos en el ejército con el mismo grado que ellos poseían en sus propias fuerzas rebeldes (hasta ahora muy pocos tuareg han sido admitidos en las fuerzas armadas de Mali).
- El 47.3% del programa de inversiones de Mali para los próximos cinco años será usado en estas tres regiones.
- un comité para el cese de las hostilidades y para controlar el tratado será establecido para organizar el inicio de los cambios;
- un nuevo sistema de representantes, elegidos por la población será entonces instituido.

Se dice que a fines de marzo habrían sido liberados todos los prisioneros de guerra. El comité para el establecimiento de la paz ha comenzado a funcionar. Tres grupos de rebeldes están viajando por cada una de las tres regiones en vehículos concedidos por el ejército de Mali. En localidades más grandes, ellos están estableciendo comités locales que deberán funcionar hasta que las elecciones se hayan realizado. Al mismo tiempo, ellos están informando al público a través de reuniones de masas por donde ellos pasan. En una reunión pública en la cual nosotros participamos, los rebeldes informaron sobre el contenido del tratado de paz. Ellos subrayaron que aquellos que creían que la guerra había terminado, se equivocaban. La guerra real, la guerra contra la pobreza y el desarrollo estaba comenzando ahora. Esta guerra demandaba la participación de todos y cada uno, dijeron ellos. Los participantes expresaron contra el abuso de las autoridades locales presentes. Un evidente ánimo optimista se extiende sobre Mali por el momento.

Tres elementos explican probablemente la aceptación del Tratado por el gobierno de Mali.

Primero, Mali no recibió apoyo de los países limítrofes durante el conflicto, como lo recibió bajo el levantamiento de los tuareg en 1963-1964. Esta vez, Argelia y Libia no hicieron nada para controlar los movimientos tuareg en sus territorios.

Segundo, los rebeldes tuareg eran adiestrados luchadores del desierto. Muchos de ellos habían servido como mercenarios en las fuerzas armadas de Libia y eran usados para la guerra bajo severas condiciones. La mayoría de los soldados de Mali venían de las regiones del sur. Ellos no estaban bien adiestrados ni acostumbrados a las vastas tierras secas del norte. El número de muertos durante la guerra de 6 meses muestra ésto claramente. Mientras cerca de 700 soldados de Mali fueron muertos por los rebeldes, solo 25 soldados tuareg han sido declarados muertos. Por otra parte los soldados de Mali se vengaron con los civiles; cerca de 400 civiles fueron muertos en ataques de represalia. (Las cifras no están confirmadas, pero se supone que no están lejos de la verdad).

Tercero, desde diciembre de 1990, el gobierno de Mali ha estado seriamente preocupado por manifestaciones y disturbios en el sur, donde el movimiento pro-democracia ha estado creciendo en fuerza durante los últimos meses. El gobierno esperaba más problemas en el sur y probablemente se decidió en contra de una guerra en dos frentes. En enero y en marzo, se realizaron nuevas y grandes manifestaciones, pro-democracia, y pro-pluralismo, algunas de ellas sangrientamente reprimidas por el ejército y las fuerzas policiales de Mali. Mientras esto se está escribiendo (28 de marzo), el presidente, general Moussa Traore y su esposa han sido arrestados en la capital y un gobierno provisional llamado el Consejo Nacional de Reconciliación (CNR) ha sido instaurado.

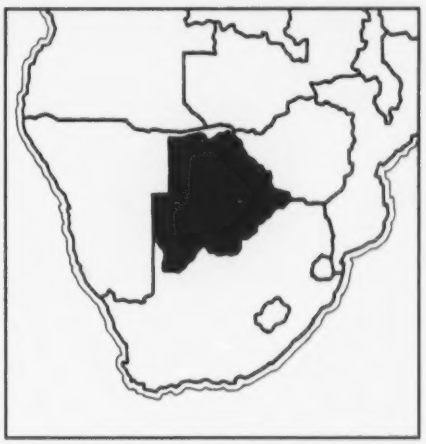
El Tratado entre los tuareg y el gobierno de Mali ha sido criticado por diferentes periódicos pro-democracia, en el sur. Por una parte, el tratado no fue hecho público. Por la otra, el movimiento pro-democracia ha sostenido que los acuerdos entre movimientos particulares y el gobierno no eran el modo de lograr un mejor Mali para todos. Es decir, ellos son escépticos a un tratado entre un grupo étnico y el gobierno, en regiones donde otros grupos étnicos están representados. Queda por ver cómo serán recibidos estos asuntos por el movimiento tuareg además de cómo el nuevo gobierno de Mali llevará a cabo el tratado. Según la radio Bamako, el CNR se ha comprometido a respetar todos los acuerdos sub-regionales, regionales e internacionales firmados por el gobierno anterior, incluyendo el acuerdo de Tamanrasset con los tuareg.

(*) IWGIA está en conocimiento de la identidad del autor. ❑

Reserva de Caza vs. los San:

conservación y desarrollo sostenible en Kalahari

Por: Robert K. Hitchcock



BOTSWANA, Africa del Sur

En la medida en que el ritmo de desarrollo en la región desértica de Kalahari de Botswana en el sur de Africa ha aumentado, han surgido interrogantes sobre el futuro de la población indígena que allí reside. Se han hecho públicas preocupaciones sobre el **estatus** de los pueblos que viven en la Reserva de Caza del Kalahari Central (RCKC).

La República de Botswana es uno de los pocos países que quedan en el mundo, que tiene un número considerable de gente que obtiene una considerable porción de su subsistencia de la caza y la recolección. La mayoría de la investigación antropológica sobre este tipo de poblaciones se ha concentrado en los *san (basarwa, bushmen)*, pero es importante notar que estos pueblos no son los únicos que viven en áreas remotas y que explotan los recursos alimenticios salvajes. En la región del Kalahari Central, p.ej., hay grupos *bakgalagadi* que pasan parte de su tiempo en la búsqueda de alimentos.

El gobierno de Botswana ha identificado a los pueblos en áreas rurales que viven afuera de las aldeas establecidas, como un importante grupo a quien brindar ayuda para el desarrollo. Llamándoles Habitantes de Areas Remotas (Remote Area Dwellers-RADs), el gobierno les ha provisto de asistencia técnica y otros tipos de asistencia, durante la última década y media. Una amplia gama de proyectos fueron llevados adelante, incluyendo desarrollo de sistemas de riegos, educación y agricultura.

Hay varias razones para el aumento del interés sobre la situación en que está la población de áreas remotas en Botswana. Antes que nada, la iniciación de un programa a gran escala de desarrollo y reforma agraria, la Política de Tierras Tribales de Pastoreo (PTTP) tuvo como resultado el descubrimiento de que había grandes cantidades de gente en las áreas rurales, muchas de las cuales no poseían ganado propio y tendían a ser afectadas por la pobreza. En segundo lugar, la sequía de principios de los 80 (1981-1986) causó una cantidad de tensión social y alimenticia para un número considerable de pueblos en la Botswana rural. Los programas de ayuda a la sequía montados por el gobierno, demostraron ser efectivos en la prevención de la hambruna. Al mismo tiempo, una parte de la población de las áreas remotas aumentó su dependencia con respecto a la ayuda alimenticia y del trabajo en proyectos de obras públicas.

En las tres décadas pasadas, se hicieron una cantidad de diferentes recomendaciones concernientes al futuro de Kalahari. Algunos planificadores pensaban que algunas áreas debían ser convertidas en establecimientos ganaderos comerciales. Otros pensaban que la población de animales salvajes de Kalahari y sus habitats, debían ser conservadas, por lo que pugnaron por la destinación de grandes áreas como parques y reservas. Botswana tiene el mayor porcentaje de área total destinado a parques, en relación a todos los países del sur de Africa (ver cuadro 1). También hubo planificadores que pensaban que una estrategia de uso múltiple sería útil en las áreas rurales, por lo que abogaron por el establecimiento de pequeñas aldeas con tierras arables y de pastoreo.

Una de las categorías de tierra que los planificadores recomendaron que se establecieran en Botswana, fueron las Areas de Manejo de la Fauna (AMF). En estos lugares, la gente podría continuar sus actividades de procuración de alimentos naturales pero también podrían llevar adelante otro tipo de actividades, como agricultura y ganadería, e industrias rurales en pequeña escala.

Una de las áreas donde las actividades de desarrollo rural fueron promovidas fue en ¡Xade, en la Reserva de Caza de Kalahari Central. A comienzos de los 80, había

Cuadro 1. Datos sobre parques y reservas en los países de Africa del Sur

Nombre del país	Cantidad de parques	Area de los parques	Porcentaje áreea/superficie del pais
Angola	–	–	–
Botswana	7	47,273	7.874
Lesotho	1	65	0.214
Malawi	3	3,109	2.624
Mozambique	2	5,750	0.743
Namibia	–	–	–
Sudáfrica	27	51,635	4.229
Swazilandia	–	–	–
Tanzania	8	36,872	3.901
Zambia	17	58,988	7.838
Zimbabwe	17	28.454	7.285

quedado en claro que la gente de ¡Xade tenía un efecto importante sobre sus habitats. Ocurrieron grandes cambios en los sistemas de subsistencia y asentamiento de ¡Xade y otras poblaciones del Kalahari Central, tanto que en 1985 el Gobierno de Botswana llamó a una comisión investigadora para evaluar las diversas opciones que podrían realizarse en el área. La Comisión RCKC revisó los datos, entrevistó a los funcionarios del distrito, y mantuvo reuniones con residentes de la RCKC entre setiembre y noviembre de 1985.

La Comisión RCKC recomendó que partes de la reserva fueran descalificadas y convertidas en Areas de Manejo de la Fauna, dónde le fuera permitido a la gente continuar residiendo y utilizando los recursos locales. También se recomendó la creación de "células comunales" en aquellas áreas donde hubiera concentraciones importantes de población. La gente podría entonces continuar viviendo y trabajando en la RCKC.

Estas recomendaciones fueron rechazadas por el Ministerio de Comercio e Industria, que pasa por alto los parques y las reservas en Botswana. En cambio, se estipuló que los residentes de la reserva serían alentados a trasladarse a áreas fuera de las fronteras de la RCKC, dónde serían provistos de facilidades. En un discurso en el Parlamento, el 1 de diciembre de 1986, el Ministro de Comercio e Industria afirmó que el gobierno tenía un mandato para tomar decisiones de interés nacional. También declaró que la reserva perdería su integridad si se permitiera a la población seguir viviendo allí (Botswana Daily News, 2 de diciembre, 1986, p.1).

Se realizaron discusiones con residentes de la reserva, en un intento de convencerles de la eficacia de su traslado a nuevas áreas. Se dieron diversas razones por parte de funcionarios gubernamentales a los residentes de la RCKC de por qué la reubicación era necesaria. Primero, hicieron notar que el traslado ayudaría a asegurar la conservación de la base de recursos en la reserva. Segundo, argumentaron de que aumentaría el potencial turístico de la región. Una tercera razón dada por los funcionarios del gobierno, fue que su traslado a nuevas áreas permitiría a las poblaciones locales a acceder a la ayuda para el desarrollo.

La decisión de desalojar gente de la reserva causó consternación entre los residentes de la misma, algunos de los cuales querían permanecer en los lugares donde habían vivido durante generaciones. También fue cuestionado por Miembros del Parlamento de Botswana, que sintieron que la propuesta reubicación no servía a los intereses de la población local. Dos ministros del gobierno de Botswana visitaron varios asentamientos en RCKC, en mayo-junio de 1988, para consultar con ellos sobre la decisión del gobierno. Algo común a todas las reuniones fue que mientras que la gente apreciaba la ayuda para el desarrollo por parte del Gobierno, querían que se proveyera de servicios sociales en sus lugares de origen (Botswana Daily News, 7 de junio de 1988).

La cuestión del futuro de los pueblos de la RCKC, recibió atención internacional en artículos del *Washington Post*, el *New York Times* y *Africa Report en 1988*. En setiembre de 1988, en la Quinta Conferencia Internacional sobre Sociedades Cazadoras y Recolectoras, en Darwin, Australia, fue aprobada una moción por los delegados que estableció que se debería exigir que los pueblos de Kalahari abandonaran la reserva. En abril de 1989, Supervivencia Internacional publicó un Boletín de Acción Urgente (UAB/BOT/1) que trataba sobre los pueblos amenazados de expulsión de la Reserva de Caza del Kalahari Central. En junio de 1989, el Presidente de Botswana se reunió con miembros de las organizaciones conservacionistas y desarrollistas en Washington D.C., para asegurarles de las buenas intenciones de Botswana con respecto al medio ambiente y los pueblos de Kalahari.

Es importante subrayar que si bien se han implementado diferentes clases de políticas en el Kalahari Central, el gobierno todavía no ha dejado de brindar asistencia a la gente de la reserva. Tampoco ha todavía exigido a nadie abandonar la región. Sin embargo, la presión para hacer a la Reserva de Caza del Kalahari Central una verdadera reserva de caza, donde no le sea permitido a la gente residir o cazar y recolectar, continúa incambiada.

Mapa de Botswana

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Cambios en el Kalahari Central

En 1986, el Gobierno de Botswana decidió introducir un Programa de Desarrollo Acelerado para Areas Remotas (PDAAR). Se pidió asistencia financiera, y la Agencia

Cuadro 2. Areas de Administración de la Fauna en Botswana

Nombre	Distrito	Tamaño (km²)
Nunga	Chobe	2,334
Mamama/Kanyu	Chobe	12,938
Tamafupa	Central	11,138
Ngamiland	Noroeste	22,440
Sandfeld Occidental	Central	3,234
Groot Laagte	Ghanzi	3,853
Ghanzi Oriental (Okwa)	Ghanzi	55,159
Ghanzi Occidental	Ghanzi	11,616
Kgalagadi	Kgalagadi	34,481
Kweneng	Kweneng	6,075
Ngwaketse	Sur	2,672
		TOTAL 145,740

Noruega para el Desarrollo Internacional (Norwegian Agency for International Development-NORAD) acordó brindar asistencia técnica y financiera. Algunas de las actividades desarrollistas serían implementadas en las Areas de Manejo de la Fauna (AMF), una lista de las mismas es presentada en el Cuadro 2. Alguna de las AMF están en la periferia de la RCKC, que es la reserva de caza más grande de Botswana y una de las áreas protegidas más grande del Continente Africano. Una sugestión hecha por algunos planificadores gubernamentales es que los *g/wi, g/ana* y *bakgalagadi* residentes en la RCKC deberían ser trasladados a algunas de estas AMF (p.ej. a Okwa y a la que está en la región arenosa occidental del Distrito Central).

La RCKC fue originalmente establecida bajo la recomendación de un antropólogo, George Silberbauer, para preservar a los pueblos, la fauna y los habitats de la región central de Kalahari. La RCKC es una vasta área de 52.347 km² que comprende sabanas onduladas con árboles bajos, valles de ríos de cauce seco en forma temporal, y tierras de pasturas onduladas salpicadas de arbustos. Al sur de la RCKC está Khutse, una pequeña reserva (2.703 km²) establecida en 1971.

Siendo una región semiárida, el Kalahari central plantea problemas particulares para la población humana, la fauna y la flora en su interior. Las lluvias son relativamente escasas, con un promedio de unos 300 milímetros por año, y son altamente variables tanto espacial como temporalmente. La población de animales salvajes tiende a ser bastante móvil: las manadas de gnu, p. ej., se mueven sobre vastas áreas en su búsqueda de pasturas. La población humana también tiende a ser de alguna manera móvil, y cubren grandes extensiones de tierra. El cuadro 3 presenta datos sobre el tamaño de los grupos, de las extensiones que abarcan y la movilidad de las poblaciones de la RCKC, registrado por antropólogos y el personal del Programa de Desarrollo de Areas Remotas. Es evidente que hay una variación tanto en el promedio del tamaño de los grupos y en la extensión que abarcan. Los grupos *huamn* sobreviven en parte gracias a la explotación de una amplia variedad de fauna y flora y ajustando el tamaño de los grupos y su movilidad para asegurar la suficiente disponibilidad de recursos.

Han habido muchos cambios con el tiempo en el Kalahari Central, algunos debido a factores ambientales (p.ej. sequías) y otros debidos a las actividades humanas. Algunos de estos cambios incluyen la construcción de cordones de cercos veterinarios, perforaciones de pozos, establecimiento de postas ganaderas y ranchos en la periferia de la reserva, y las actividades de prospección mineral por parte de las compañías mineras. El estatus de la región como una reserva de caza bajo la **Proclamación de la Conservación de la Fauna** de 1961, ha significado que la caza no era permitida en la región, excepto a aquellos que dependieran de ella como medio de vida. Hasta cierto punto, las estrategias de caza han cambiado de alguna manera en la RCKC, particularmente con la introducción de caballos y trampas de acero. El análisis de la limitada información sobre la caza con la ayuda de armas modernas sugiere que la mayoría de los que están dedicados a la caza con armas de fuego, son gente de afuera de la reserva. El Departamento de Fauna y Parques Nacionales ha tratado de controlar la caza furtiva en la reserva pero ha tenido un éxito muy limitado a causa de la falta de personal.

También se han sucedido cambios demográficos y socioeconómicos en la reserva. Sobretodo, ha habido una reducción en el

Cuadro 3. Tamaño de los grupos, Alcance, y Movilidad de las Poblaciones de la Reserva de Caza del Kalahari Central.

Nombre(s) grupo	Cantidad de grupos	Tamaño(s) del grupo y promedio	Alcance(s) y promedio	Cantidad de cambios anuales de residencia
G/wi	6	21-85 57.17	457-1,036 779.67 km²	6-15
G/wi	> 2	hasta 70, uno era 120	300-400 mi²	-
G/wi,g//ana	9	7-57 22.89	4,000 km²	11
G/wi, g//ana, Bakgalagadi	11	41-167 98.73	505-4,323 222.64 km²	4-10
G/wi, g//ana	13	3-98 33.08	5,000 km²	–

número de personas que viven en la reserva. Mientras que habían unas 5.000 personas en el área de la reserva a comienzos de los 60, el número en 1985 se estimaba en aproximadamente 1.200. Es importante subrayar, sin embargo, que la cantidad de gente que utiliza la reserva se expande y contrae, dependiendo en parte de las lluvias y de la disponibilidad de recursos. La información recogida a través de entrevistas, evaluación de informes, y examen de datos oficiales publicados, indican que tanto como 3.500 personas reclaman derechos territoriales en la reserva.

En la década de los 60, los pueblos que ocupaban la reserva tendieron a cambiar el tamaño de sus grupos y sus lugares de residencia de acuerdo con la estación. Las poblaciones recolectoras y cazadoras se agrupaban cerca de los pozos de agua y en los valles de los ríos durante la estación húmeda y dispersos en pequeñas bandas o grupos de tamaño familiar durante la estación seca. Los grupos se movilizaban hasta 15-20 veces al año. Las áreas en las cuales los pueblos procuraban sus alimentos tenían un promedio entre 450 y 4.000 km². A mediados de los 80, habían ocurrido cambios substanciales en la estructura grupal y en los modelos de asentamiento. Los pueblos en la reserva se habían agrupado en una cantidad relativamente pequeña de asentamientos que ocupaban o bien todo el año o la mayor parte del año. Esta tendencia se veía particularmente en el área de ¡Xade, donde la cantidad de individuos creció de 200 en los 60 a más de 1.000 en 1988. Uno de los efectos de este proceso de crecimiento demográfico fue un aumento en el tamaño del área utilizada para alimentarse. Otro efecto fue la degradación del medio ambiente local en el área de ¡Xade como resultado de las cantidades mayores de personas y animales domésticos en el área.

El proceso de sedentarización entre las poblaciones de la RCKC fue acompañada por una serie completa de otros cambios socioeconómicos y ambientales. La mayor densidad de población resultó en un aumento en la presión sobre los recursos locales. Alimentos provenientes de plantas silvestres fueron intensamente utilizados en las vecindades de los poblados y en algunos casos, como en ¡Xade, la gente tuvo que, o bien cambiar el tipo de recursos que utilizaban o aumentar el tamaño del área que cubrían durante el curso de sus viajes en procura de alimentos. Me fue informado que grupos cazadores en ¡Xade, cubrían un área que promediaba más de 5.000 km², una cifra similar a la obtenida por el antropólogo Masakazu Osaki en 1982-83 (M. Osaki, comunicación personal). La superexplotación de recursos en la vecindad de los poblados resultó en un aumento de la escasez alimenticia entre algunos de los residentes de la RCKC, especialmente niños. Informes provistos a la Misión Investigadora de la RCKC, en octubre de 1985, por la enfermera del Puesto de Salud de ¡Xade mostró que la falta de crecimiento entre los niños *uibder* de 5 años de edad era mucho mayor en ¡Xade que en otros poblados (Ngaire Reid, carta a la Comisión de la RCKC, 10 de octubre de 1985). Para contrarrestar estos problemas, el Gobierno de Botswana inició un programa de ayuda alimenticia para los afectados por la sequía en la RCKC. Es también interesante notar que los índices de enfermedad eran más altos entre los grupos asentados que en los grupos móviles en la RCKC.

Mujer san, Botswana. Foto: Espen Wæhle.

En los 70, se decidió que los residentes de la Reserva de Caza de Khutse deberían ser reubicados fuera de la reserva. Muchos de ellos se desplazaron a lugares al este de la reserva, y algunos se asentaron en el campamento del Departamento de la Fauna y Parques Nacionales (DFPN) en el portón principal de entrada. En 1986, el gobierno decidió que los residentes del Kalahari Central deberían hacer lo mismo. Es irónico que mientras que se pone mayor énfasis en mejorar el estatus socioeconómico de las poblaciones rurales, algunos habitantes de áreas remotas (RAD) pueden perder sus tierras tradicionales y por lo tanto enfrentar potenciales dificultades económicas. De acuerdo a algunos residentes de la reserva, ésto podría exacerbar los ya existentes problemas económicos de acceso a los recursos, y podría acentuar los conflictos sociales.

En los 80, era evidente que el estatus socioeconómico de algunas de las familias en

las áreas de la RCKC y Khutse estaba declinando. En algunos casos, esta tendencia negativa se debía a la sequía que afectó a la población en forma adversa. Sin embargo, no son sólo los factores ambientales que han tenido efectos negativos sobre las poblaciones del Kalahari central, sino también los cambios políticos y económicos. Las regulaciones de caza han sido implementadas más estrictamente, y algunos de los miembros de los grupos han sido puestos en prisión durante extensos períodos. Los conflictos sociales y el alcoholismo han aumentado en algunos de los asentamientos dentro y adyacentes a la RCKC y Khutse. La gente ha tenido que diversificar sus actividades económicas para mantenerse. Algunos de ellos han perdido sus propiedades y se han trasladado a aldeas en los distritos adyacentes dónde reciben pequeñas ayudas económicas de los departamentos de Desarrollo Comunal de los Consejos de Distritos locales. Unos pocos han logrado ganarse la vida vendiendo artesanías o carne.

En algunas de las casas de la reserva hay pequeños rebaños (ovejas y cabras), asnos, gallinas y perros. Es importante notar, sin embargo, que muy pocos de estos hogares se pueden definir como pastores autosuficientes. La mayoría de la gente del Kalahari Central tiene una estrategia de economía mixta, siendo la recolección y la caza complementadas por la producción de alimentos, trabajo asalariado, industrias rurales, y la ayuda del gobierno de Botswana contra la sequía. Los individuos o grupos que no se podían sustentar de esta manera en la reserva, han terminado, por lo general, yéndose del área para buscar empleos en las granjas o ranchos.

El Programa de Desarrollo de Areas Remotas (PDAR) ha brindado ayuda para el desarrollo a los pueblos de !Xade y, en menor grado, a otras áreas de la reserva, desde mediados de los 70. Un pozo, una escuela, un centro asistencial de salud, alojamientos para el personal y otras facilidades han sido establecidas en el !Xade bajo los auspicios del PDAR y el Consejo de Distrito de Ghanzi. Los participantes del esquema de servicios comunitarios (Tirelo Sechaba) han sido destinados en !Xade así como una cantidad de funcionarios (p.ej. Asistentes del Desarrollo de Areas Remotas, personal sanitario). Se han iniciado actividades informales de educación, y el comité *kgotta* es relativamente activo. Durante el período de sequía de los 80, se distribuyeron alimentos en !Xade y otros poblados en la reserva y se realizaron proyectos de desarrollo de trabajo intensivo (por ej. construcción de un camino entre Ghanzi y !Xade). Los Consejos de Distrito de Kweneng y Central se han ocupado de proveer agua y otros tipos de asistencia a los establecimientos en las partes sur y oriental de RCKC.

Uno de los principales argumentos usados para justificar el desalojo de la población local fue el de que dicha estrategia facilitaría el turismo en la región. De acuerdo con las cifras gubernamentales, hubieron unos 181 vehículos de turismo en 1986 y 300 en 1987. Muchos de estos turistas fueron a Kalahari expresamente para "ver *bushmen*", tal como se lo manifestaron a los guías turísticos y otros con quienes hablaron. Los guías turísticos creen que es una ventaja que haya pueblos locales en estas áreas ya que sirven para atraer clientes. Mientras que algunos *san* y *bakgalagadi* hicieron notar su renuencia a realizar danzas para turistas y especialmente despojarse de su ropa occidental para los fotógrafos, la mayoría de los residentes de las áreas del RCKC y Khutse reconocieron que les agradaba el ingreso generado por el turismo. Algunas de las aldeas de la reserva como !Xade y Menoatshe han recibido cantidades importantes de dinero provenientes de las ventas

Hombre san, Botswana. Foto: Espen Wæhle.

de mercaderías a los turistas en el correr de los años, y la gente, por lo tanto, es de alguna manera renuente a perder la oportunidad de negociar con los visitantes de fuera de la región.

Se ha sugerido que una razón subyacente de la decisión de trasladar los pueblos de la reserva, era la de responder a los intereses de los ambientalistas que estaban presionando a la Comunidad Económica Europea para que dejara de asistir financieramente a Botswana a menos que se realizaran mayores esfuerzos para conservar la fauna y otros recursos naturales. Una segunda sugerencia es que algunos individuos en Botswana sienten que es importante "urbanizar" a los habitantes de áreas remotas y así integrarlos a la vida del país. Una tercera razón dada por funcionarios gubernamentales fue la de que el desplazamiento de la gente fuera de la reserva permitiría que la gente fuera asistida en forma más fácil, y así ayudaría a la consecución de futuras metas de desarrollo. También hay quienes piensan que DeBeers y otras compañías mineras quieren el acceso total a la reserva con propósitos de explotación mineral. Finalmente, algunos han sugerido que a los dueños de ganado les gustaría que grandes áreas de la reserva fueran privadas de la protección oficial para así poderlas transformar en tierras comunales.

Claramente, la decisión de trasladar a los pueblos fuera de sus tierras ancestrales podría socavar el estatus social, económico y político de los habitantes de áreas remotas. Se deberán hacer esfuerzos para asegurar que sean provistas cantidades adecuadas de tierras a aquellos que sean desalojados. Se deberá prestar especial atención a los procedimientos de ubicación por parte de los Consejos Territoriales. Actualmente, los Consejos Territoriales dan sólo asignaciones grupales a los habitantes de áreas remotas, mientras que las asignaciones individuales son otorgadas a otros pueblos. Los Consejos de Distritos también tendrán que ocuparse de que se brinde asistencia económica a los pueblos que son reubicados de tal manera que puedan sustentarse en sus nuevas áreas.

Uno de los cuatro principales objetivos de planeamiento de Botswana, es promover la justicia social. La razón principal para mejorar la economía del país es para brindar las bases de un mejor nivel de vida. Mientras que las políticas de reasentamiento no han tenido siempre consecuencias sociales y económicas negativas, es difícil implementarlas equitativamente. En el caso de la Reserva de Caza del Kalahari Central, es posible que la gente sea efectivamente reubicada en nuevas áreas. La cuestión es si estas áreas contienen o no, suficientes recursos para sustentar la gente adicional. También está abierto a la especulación si los pueblos reubicados tendrán asegurada la tenencia de sus nuevas tierras. Queda claro que si Botswana quiere lograr realizar sus objetivos de autosuficiencia y unidad, se deberá evaluar cuidadosamente la manera por la cual la cuestión de la reubicación de RCKC es realizada.

Acontecimientos recientes

A fines de los 80 la presión para convertir a la Reserva de Caza del Kalahari Central en una verdadera reserva de caza o parque nacional, donde no se permitiría a la gente residir, cazar o recolectar, disminuyó pero no desapareció completamente. Algunos de los pueblos en el Kalahari Central comenzaron a formar sus propias organizaciones de base, en un esfuerzo para promover las actividades de desarrollo y autoasistencia. Otros se tornaron activos políticamente en forma creciente. En octubre de 1989, un *san* local de !Xade en la RCKC fue elegido como Consejero de Distrito por Ghanzi, el distrito que se ocupa de los asuntos en el RCKC. Si bien este individuo no tuvo mucho éxito en cambiar la política del gobierno, su mera presencia en el consejo de distrito puede posibilitar que se tomen pasos positivos en el futuro.

La formación de organizaciones de base para el desarrollo entre los *san* y otros pueblos rurales puede ser muy oportuna. La presión para convertir tierras designadas como reserva en tierras de pasturas está aumentando. Se han hecho planes para construir una Autopista Trans Kalahari, hacia el sur de la reserva, la cual va a conllevar efectos sociales y ambientales. También se ha hablado de un Ferrocarril Trans Kalahari, que atravesaría la reserva. Y las compañías mineras siguen teniendo interés en la región.

Han habido problemas de nutrición que afectan al menos algunos de los más vulnerables miembros de la población del Kalahari Central. Las encuestas de salud y nutrición llevadas a cabo en el Kalahari Central a fines de los 80 revelaron desnutrición entre algunos niños *san* y mujeres embarazadas y lactantes. En junio de 1990, el gobierno decidió detener el programa de alimentación en relación con la sequía en Botswana rural, pero continuas dificultades nutritivas llevaron al restablecimiento del aprovisionamiento de alimentos a fines de 1990.

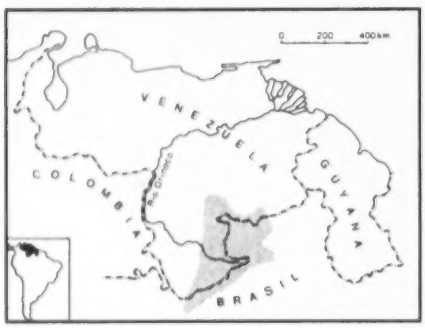
En noviembre de 1990, los planificadores del gobierno de Botswana sugirieron que la RCKC fuera nominada como reserva biósfera, una categoría de áreas especialmente protegidas, designada originalmente por la Organización Educacional, Científica y Cultural de las Naciones Unidas (UNESCO) bajo su Programa del Hombre y la Biósfera (MAB-Man and the Biosphere). Bajo el programa de la reserva biósfera, se permitiría a los pueblos seguir viviendo en la región, y tendrían la oportunidad de utilizar recursos naturales locales en la medida en que lo hicieran de una manera sostenible.

La cuestión sigue siendo si los *san* tendrán el derecho de administrar sus propios recursos y realizar sus propias estrategias de desarrollo en el Kalahari Central. Mientras que el gobierno de Botswana se ha comprometido oficialmente a permitir a la gente local utilizar recursos silvestres, hay todavía restricciones sobre la cantidad y los tipos de plantas y animales a ser explotados. Un nuevo proyecto de administración de recursos naturales, financiado por la Agencia Internacional para el Desarrollo de los Estados Unidos (USAID) y el Departamento de Fauna y Parques Nacionales en Botswana está diseñado para ayudar a la población rural a aumentar sus ingresos provenientes de recursos locales, pero todavía se tiene que decidir sobre qué tipos de programas de utilización serán iniciados.

Es importante recalcar que a pesar de que se han intentado distintos tipos de políticas en el Kalahari Central, el gobierno de Botswana no ha requerido a nadie que abandonara la región. Tampoco ha dejado de proveer alimentos a los pueblos de la reserva. Los pueblos del Kalahari Central dicen que están muy contentos por la ayuda, pero que lo que realmente quieren son oportunidades para aumentar sus ingresos y trabajos. Según dicen, si los pueblos del Kalahari Central tienen los mismos derechos que los otros ciudadanos del país, se les debería permitir beneficiarse de las iniciativas desarrollistas. ❑

Tierra y supervivencia cultural yanomami

Por: Alcida Rita Ramos



Invasiones

Hasta la década de 1970, los indios *yanomami* en Brasil no habían experimentado el impacto de masivas invasiones de forasteros en sus tierras. Hasta entonces, algunos subgrupos localizados en los extremos de su territorio habían tenido contacto, a veces violento, con extractores de caucho, castaña, junco, y también con cazadores de pieles. En los años 60, se instalaron en Roraima las primeras misiones religiosas. A partir de los años 70 FUNAI (Fundación Nacional del Indio) abrió una oficina en Boa Vista, después transformada en 7 puestos dentro del área indígena yanomami. (FUNAI - 1984).

La primera gran invasión vino con la construcción de la carretera Perimetral Norte, desde 1973 a 1976, cortando la parte meridional del territorio indígena, en una extensión de más de 200 kilómetros, desde su intersección con la BR 174, Manas - Caracai, hasta unos pocos kilómetros dentro del Amazonas. Con precario estado de salud centenares de peones pagos por la compañía constructora Camargo Correa y sus subempresarios trajeron consigo la prostitución y mendicidad al valle del Ajarani, introduciendo enfermedades contagiosas prácticamente a todas las aldeas yanomami en el área. Los yanomami en los valles de los ríos Ajarani y Catrimani sufrieron repetidas epidemias de gripe y sarampión. La población indígena de esos lugares fue devastada, de tal manera que cuatro aldeas del Ajarani perdieron el 22% de su población entre 1973 y 1975 y cuatro otras del alto Catrimani perdieron la mitad de su gente en una epidemia de sarampión en 1978 (Ramos 1979).

En 1975, el Proyecto Radambrasil llevó a cabo una prospección de los recursos minerales de la Amazonía. El estado de Roraima o, más exactamente, el área yanomami, se reveló rica en muchos minerales, casiterita, oro y materiales radioactivos, al mismo tiempo en que era constatada la falta de fertilidad en la mayoría de los terrenos de la región.

En vista de eso vino el segundo gran avance en tierras indígenas. Desde 1975 a 1976, un creciente número de buscadores de oro (los llamados *garimpeiros*) alcanzando la cantidad de unos 500, invadieron la Sierra del Surucucus, corazón del territorio yanomami, en busca de casiterita. Después de serios conflictos armados entre indios y garimpeiros provocados por saqueos de productos de granja y abusos sexuales de las mujeres indígenas, los garimpeiros fueron expulsados por orden del Ministro del Interior en aquel entonces, Rangel Reis (Taylor 1979).

En 1980, comenzó otra invasión, esta vez causada por el oro, en el alto río Uraricoera. El número de garimpeiros llegó a ser de aproximadamente unos 2.000 en el Furo de Santa Rosa, en los límites internos del área yanomami; este número disminuyó, osciló pero nunca llegó a desaparecer desde que la primera mina fue instalada en el área. Al contrario, los garimpeiros fueron subiendo cada vez más al norte, rumbo a las aldeas de los yanomami a lo largo de los ríos Uraricaa-Ericó. (CCPY - 1989).

La situación alcanzó un estado extremadamente crítico a partir de agosto de 1987, con la llegada de miles de garimpeiros que utilizaban primero las pistas de aterrizaje de las misiones y de la FAB, (Fuerzas Aéreas de Brasil) para después abrir un número de pistas que, en junio de 1989, se estimó en más de 80 pistas, incluyendo algunas en Venezuela. En el primer semestre de 1989, el número de invasores en busca de oro era estimado ser casi 50.000, esparcidos por toda la región central de las tierras yanomami en Brasil, atravesando la frontera y causando problemas diplomáticos con Venezuela. El río Mucajai fue contaminado por mercurio y por los efectos de la sedimentación en toda su extensión; los ríos Uraricoera, Catrimani y Couto de Magalhaes, contaminados de mercurio dejaron de producir peces. El constante despliegue y aterrizaje de aviones y helicópteros en las innumerables pistas de aterrizaje, oficiales y clandestinas, ahuyentaron la caza, dejando a los yanomami sin proteínas y en la intolerable situación de depender de los garimpeiros para alimentarse. En los primeros meses de 1990 se estimó que más de 1.500 yanomami habían muerto, en su mayoría de malaria y otras enfermedades, pero también por armas de fuego -al menos 24 indios han sido asesinados por los garimperiros.[1] (*Jornal do Brasil*, 18 de setiembre, 1990); *Folha de S. Paulo*, 19 de setiembre, 1990). Es desconocida la magnitud de esta catástrofe, pues, desde agosto de 1987, FUNAI y el Consejo de Seguridad Nacional (convertido más tarde en el SADEN) vedaron a investigadores, periodistas, antropólogos y otros profesionales la entrada en territorio yanomami. (Açao Pela Cidadania 1990).

La tragedia de los yanomami en Brasil comenzó, por consiguiente, con la abertura de la carretera Perimetral Norte, en 1973, ahora un proyecto muerto e inservible y ha sido intensificada por gigantescas e ininterrumpidas olas de garimpeiros en una de las mayores fiebres de oro en la historia contemporánea del país.

Como utilizan los yanomami su territorio

No obstante la violencia que les ha sido infligida, los yanomami continúan siendo el mayor grupo indígena de las Américas en mantener sus tradiciones poco alteradas por el contacto interétnico. Incluso aquellas aldeas que han sufrido el impacto directo de la invasión garimpeira, no han tenido tiempo todavía de absorber los efectos del constante bombardeo de estímulos extraños a su cultura. El grado de influencia externa en sus modo de vida varía con la intensidad y duración del contacto, pero en general los yanomami como grupo étnico son todavía monolinguales y viven según sus costumbres. El territorio tradicional yanomami engloba la zona fronteriza y abarca el extremo norte de los estados de Roraima y Amazonas en Brasil y el sur de los estados de

Amazonas y Bolívar en Venezuela y compone varios eco-sistemas específicos de la Amazonía, desde regiones montañosas a tierras planas, de nacimientos de ríos con dirección a ríos relativamente grandes. El Macizo de las Guayanas que divide las aguas entre el conjunto de vertientes ribereñas del Orinoco y la cuenca del Amazonas, está casi cubierto de floresta tropical interrumpida aquí y allí en los claros del bosque, por pequeñas sabanas de origen aún incierto. Con una fertilidad en el terreno extremadamente baja en casi toda su extensión, este gran territorio es, sin embargo, muy diferenciado en su ecología, con ocurrencias de especies de animales y vegetaciones propias de cada uno de los varios niveles de altitud y de tipo específico de ecosistema. Desde el área montañosa en su centro hasta las orillas que descienden para los ríos grandes, en medio de la aparente uniformidad del paisaje, se puede percibir con un poco más de familiaridad, una distribución bastante diversificada de recursos naturales. Por ejemplo no hay peces grandes en los nacimientos de los ríos como los hay en las tierras bajas; ciertas palmeras existen solamente en las montañas, otras casi solamente en las planicies. La floresta exhibe, pues, por bajo de su gran manto verde, una rica diversidad de fauna y flora distribuida de manera muy diferente; visto desde un avión, el bosque esconde esta riqueza y diversificación apareciendo como interminablemente igual.

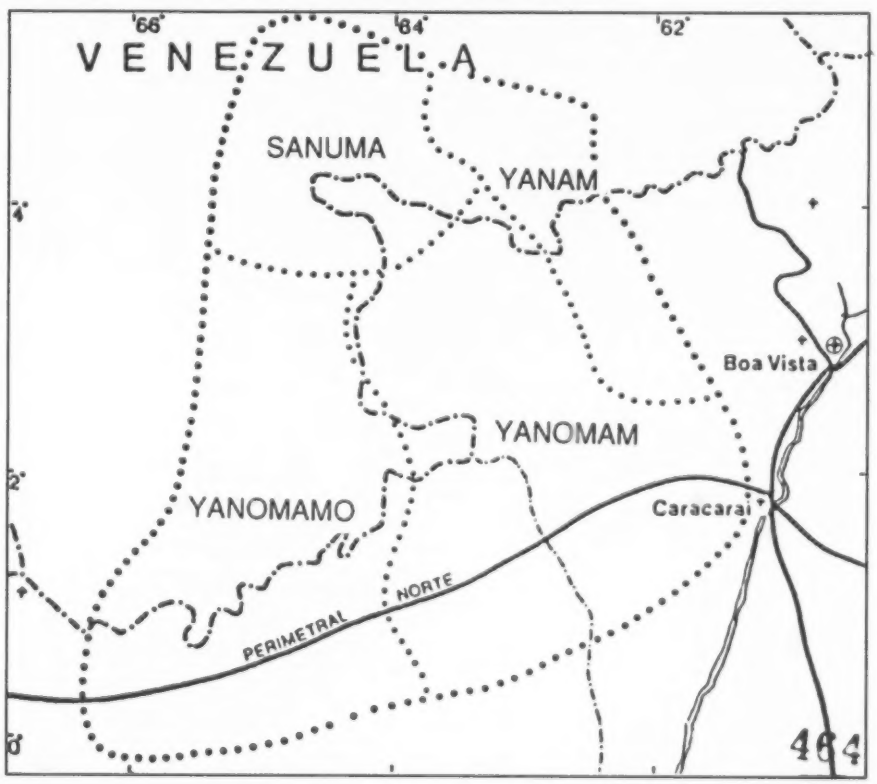
Originalmente los habitantes de las montañas del Parima, o sea los yanomami, se han esparcido a lo largo de los siglos hasta alcanzar los valles de los ríos en las planicies, tanto para el sur, en Brasil, como para el norte, en Venezuela. Su territorio ocupa hoy una vasta área de más de 9 millones de hectáreas en Brasil y casi 10 millones de hectáreas en el lado venezolano de la frontera, área que está contenida entre 0 y 6 grados Norte y entre 61 y 67 grados Oeste. De un total estimado cerca de 22.500 personas, la población yanomami en Brasil es de casi 10.000 personas. En rigor, la población total de los yanomami en Brasil aún no es completamente conocida. Fueron hechos algunos registros pero ninguno de ellos cubrió todas las comunidades indígenas. En 1977, FUNAI realizó una inspección aérea; era época de lluvias y muchos locales no fueron visitados. El resultado de ese reconocimiento fue calculado en una población de 8.400 yanomamis esparcidos en 203 poblados. En 1987/88, un grupo interministerial compuesto de varios órganos realizó el más extenso registro hasta la fecha, alcanzando un total de 9.910 yanomami en Roraima y en el Amazonas. A pesar de eso, las autoridades brasileñas se decidieron por la delimitación oficial de 19 áreas pequeñas discontinuas sumando menos de 2.500.000 hectáreas, o sea, menos de 1/4 del territorio yanomami en tierras brasileñas (decretos 97.512 a 97.530 de 17/02/89), contrariando la propuesta oficial de 1984, cuando FUNAI y el Consejo de Seguridad Nacional reconocieron como Area Indígena Yanomami a un total de 9.419.108 hectáreas, en un perímetro de aproximadamente 3.071 kilómetros (FUNAI 1984).

La mayoría de los yanomami escogen los lugares de residencia en terreno alto, lejos de los ríos grandes. Las comunidades se proveen de agua en los arroyos o nacientes de los ríos que quedan casi siempre a alguna distancia de las aldeas. Hay una considerable variación de temperatura entre las comunidades serranas y las de las planicies. En la región de las sierras Parima - Pacaraima, la altitud puede llegar a mil metros encima del nivel del mar, lo que hace que las noches son bastante frías y el calor del día raramente insoportable, alcanzando una temperatura de 30 grados centígrados; en contraste, en las aldeas de las tierras bajas, como en los valles de Erico, Catrimani y Ajarani, la variación térmica es menos acentuada y las temperaturas diurnas son mucho más altas.

Existen, básicamente, dos estaciones bien definidas durante el año: las lluvias, de junio a noviembre, y la sequía, de diciembre a mayo. La sequía es relativa, pues es raro que en una semana no llueva de manera torrencial, aunque sea por poco tiempo. Pero es en las lluvias cuando el paisaje se transforma radicalmente: pequeños arroyos de lecho cristalino se transforman en vastos caudales arcillosos; rinconcitos agradables de la floresta, donde se acampa en la sequía, indescriptibles densidades de vegetación, por donde se anda en busca de ranas, peces minúsculos, cangrejos y otras cosas del bosque, se transforman en aguaceros imposibles de atravesar a pie. Se forman grandes lagos que ahuyentan a los animales y a la mayor parte de las personas. Al mismo tiempo, la sequía es la época de la hartura; animales como la *paca* y la *capivara* son presas más fáciles cuando el agua de los arroyos se retira y los animales acaban aproximándose más a la orilla de los ríos, de los campos y hasta de las aldeas. Esa es la época de las visitas, de las cazas colectivas, de los campamentos de familias enteras en el bosque y de las ceremonias en homenaje a los muertos.

Como consecuencia de la variación de las estaciones, los recursos naturales son diferentes durante el año y los yanomami son expertos en explorar estas diferencias cli-

Sub-grupos lingüsticos de los Yanoama (según Migliazza 1972)



máticas y ecológicas, conociendo todos los pormenores del comportamiento de los animales, plantas y clima. En general prefieren los pequeños arroyos y no los ríos grandes. Estos arroyos tienen una proporción más familiar y confortable para su modo de vida tradicional, sus orillas, muchas veces lodosas, muestran pisadas de animales, escondites de cangrejos, huellas de enemigos y todo un manantial de indicios por ellos fácilmente detectados. En estos pequeños cursos de agua está inscrita una geografía que también es historia. Es como si fuesen la venas y los capilares que riegan no sólo con agua, pero con memoria y significado cultural el cuerpo práctico y simbólico de las comunidades. Por sus cursos corren noticias de aldea a aldea, la gente corre detrás de los peces atolondrados por el *timbó* en la época de la sequía. Estas corrientes cuentan historias de antiguas rozas, episodios de caza, locales de residencia ligados a una historia topográfica repleta de detalles y lazos de conexión que unen a las comunidades en una trayectoria común.

Igualmente importante son los senderos que ligan las varias aldeas. Más directos que los arroyos, trazan caminos repletos de cuentos y memorias que los yanomami van contando en viajes cortos de pocas horas o en largos de días enteros, recorriendo el bosque en busca de materias primas, comida o de visita a otras aldeas. Son historias sobre memorables cazas, de encuentros con espíritus, de enemigos encontrados escondidos. Estos senderos que se irradian de cada aldea, construyen una elaborada red de atajos ligando rozas nuevas con viejas, territorios de caza, locales de recolección y pesca, campamentos de verano, aldeas vecinas y distantes. Por los senderos pasan todos los impulsos sociales que mantienen viva la cadena de relaciones entre comunidades y que tornan virtualmente imposible el aislamiento y la atomización de los grupos locales. Los senderos son como nervios conductores de sentido social que subyace en las aldeas, rozas, bosque y la interacción entre seres humanos y espíritus, o sea, lo sobrenatural.

Los senderos y arroyos, los nervios y las venas del espacio social, componen la trama intrincada de una geografía historizada que contiene un universo de eventos marcantes y relaciones en flujo. El encadenamiento que de esto resulta, al mismo tiempo en que, en su subyacencia mantiene un padrón permanente, está siempre en movimiento, al índole de los dislocamientos de aldeas y rozas, de las amistades y enemistades entre los pueblos.

Esta vasta red cubre todo el territorio de más de 19 millones de hectáreas, ligando todas las casi 300 comunidades yanomami en ambos países (por más detalles sobre la ecología yanomami ver Albert 1987).

Cada huerto, que es hecho por la familia y a ésta le pertenece, es el espacio de subsistencia, pero no sólo eso. Es también el resultado de un trabajo conjunto y una fuente de interacción social que va desde la siega y quema por muchas manos masculinas hasta encuentros amorosos y partos. El huerto es un espacio esencialmente domesticado. Aunque esté lejos de las aldeas, es una extensión de éstas. En el huerto no sólo se planta la alimentación más confiable, regular y abundante, como son la mandioca, la banana, y otras especies de tubérculos, sino también se registran relaciones de trabajo bien definidas - la fuerza del hombre en el talado, y la paciencia de la mujer en la cosecha, el aprendizaje de los hijos, la obligación de los yernos de trabajar para los suegros. Cada huerto que se hace es un registro que se abre. En la historia de cada aldea los huertos son piedras fundamentales que marcan las coordinadas sociales más significativas de su pasado y presente.

Abiertos en círculo de unos 500 a 800 metros de diámetro, siempre que es posible en declive, para permitir la ubicación de plantas por niveles de altura para posibilitar un drenaje diferenciado, conforme a sus necesidades. La mandioca silvestre, que ocupa la mayor parte del huerto, es plantada en los círculos superiores del terreno clareado. Necesita menos humedad que, por ejemplo, los bananos, que quedan al fondo, donde el agua se acumula. En los niveles intermedios, se planta distintos tipos de tubérculos, caña de azúcar, aro, cará, tabaco. En las lluvias cuando se cortan los árboles para abrir un nuevo huerto, después de las primeras semanas del estío con la vegetación cortada ya suficientemente seca, se hace la quema para que, unas pocas semanas después, sean plantados los cultivos.

En un momento dado, una familia puede tener dos o hasta tres huertos en diferentes estadios: uno viejo, otro en pleno vigor y otro aún por plantar o inmaduro. Si una aldea permanece en el mismo local por más tiempo de digamos, 10 años, es cada vez más difícil ir a los huertos nuevos y volver en el mismo día. A veces, es necesario construir una casa pequeña en el nuevo huerto debido a la distancia que lo separa de las aldeas, a veces largas caminatas de un día entero o más. A partir de ese punto, pero casi siempre antes, la aldea entera o parte de ella se muda para otro sitio, más distante, puede variar de unas pocas horas hasta días a pie del local anterior, donde las condiciones del bosque permiten abrir huertos en las inmediaciones de la nueva aldea.

La vida útil de un huerto familiar, dura aproximadamente dos o tres años. Después de ese período de tiempo, el huerto pierde mucho de su productividad, debido a la falta de fertilidad del terreno. Las malas hierbas se apoderan y es hora de hacer otro huerto. El trabajo de limpiar las malas hierbas es tan grande que es preferible comenzar de nuevo. Pero, la ventaja de abandonar un huerto viejo al asalto de las malas hierbas es que estas son, la certeza del primer indicio de rejuvenecimiento de la floresta. Al principio, aparecen pequeños arbustos espinosos, seguidos de árboles de medio tamaño característicos de brezo o vegetación secundaria que van abriendo camino y protegiendo con sus sombras los brotes de los árboles grandes que al haber sido derribados sin destruir las raíces, consiguen rehacerse de la quema y del uso intensivo que las plantas cultivadas hacen de los nutrientes del terreno durante dos o tres años. Se calcula que, en la región del Macizo de las Guayanas, la floresta tarda nada menos que cien años en volver a su antiguo vigor si no es reutilizada para huertos en ese período de tiempo, lo que no ocurre entre los yanomami. Teniendo en cuenta la necesidad de descanso de la tierra en el procedimiento de siega y quema en pequeña escala, de manera que se pueda permitir la recuperación de la floresta, se calculó que, en 4 años de utilización continua, cada aldea usa aproximadamente 3 hectáreas de un determinado lugar agrícola y que cada nuevo huerto es abierto en un radio distante a unos 10 kilómetros del anterior. (Albert 1989).

Una huerto viejo no es, estrictamente hablando, abandonado, a no ser después de largo tiempo. Quedan aún algunos productos como la banana y la *punpuha* a las cuales la familia vuelve año tras año. La *punpunheira* es una palmera que tarda varios años en crecer y madurar. Cuando comienza a producir, ya el huerto donde fue plantada es irreconocible, totalmente dominado por la vegetación secundaria. Los yanomami vuelven regularmente a sus pupunheiras en la época de la sequía y entonces, durante semanas las casas se llenan de ramos de la fruta vistosa y gorda, altamente apreciada por su sabor y sustento. Los huertos viejos también son frecuentados por pájaros y mamíferos atraídos por alimentos allí dejados y que a su vez, atraen a los cazadores (Albert s.d.). Viejos huertos pueden, por lo tanto, transformarse en cotos de caza especializados.

La floresta, de la cual las huertos son pequeñas interrupciones temporarias, es la base para la circunscripción territorial de

una aldea o grupo de aldeas. El término *urihi* o (*ulia*) carga, entre otras cosas, la connotación de "*hogar*", el lugar al cual uno pertenece. Además de abrigar espíritus, la floresta provee la caza y la cosecha. Dominio masculino por excelencia, la caza puede ser hecha individualmente o en grupo, cotidianamente o para propósitos rituales. La primera es practicada el año entero, mientras que la colectiva es más organizada en la sequía, incluyendo a hombres de una sola aldea, a veces comprendiendo a anfitriones e invitados para la ceremonia en homenaje a los muertos. Igualmente fundamentales son los campamentos en el bosque en la sequía, cuando una familia o varias familias de una aldea, o hasta toda la aldea entera, viajan juntos y se instalan en refugios temporales. Cazan principalmente, tapir, paca, jabalí, quijada, agutí, capivara, armadillo, y varias especies de monos y una cantidad de pájaros, desde el gran mutún a un tipo de perdiz.

Mientras que la caza individual y regular cubre un radio de 3 a 8 kilómetros alrededor de la aldea, las cazas colectivas, que son verdaderas expediciones periódicas, alcanzan entre 8 y 16 kilómetros de diámetro. Por consiguiente, cada aldea necesita un mínimo de 16 kilómetros a su alrededor para proveer de carne de caza a sus poblaciones en todas las ocasiones, desde lo cotidiano a las grandes ceremonias intercomunitarias.

En la vida diaria de la aldea, un hombre va a cazar unas dos o tres veces a la semana, dependiendo del éxito que tenga. Si él mata a una anta, no es necesario volver a cazar mientras que dure la carne, lo que no significa mucho tiempo, puesto que la carne es distribuida abundantemente por toda la comunidad. Si mata a un agutí, no es repartido por ser pequeño y en 48 horas es consumido por la familia del cazador; luego es necesario volver a cazar.

Dependiendo del tamaño del animal, éste puede ser hervido y consumido inmediatamente: si es una quijada, anta o varios macacos, después de la primera comida de la carne cocida con mucha agua transformada en apreciado caldo, se corta y ahuma el resto para preservarla por más tiempo. Con dos o tres días de ahumado, la carne recibiendo calor y humo ininterrumpidos, los pedazos quedan uniformemente negros y endurecidos. Es la única manera de tratar a la carne y pescado para poder conservarlos por un tiempo relativamente largo.

Influyendo sobre la mayor o menor abundancia de carne de caza están los factores como la naturaleza del terreno y la consecuente diversidad de nichos ecológicos en un territorio de caza dado, el tamaño de la comunidad y el tiempo de su permanencia en el mismo sitio. Una gran concentración de personas en el mismo lugar por mucho tiempo, invariablemente, resulta en escasez de caza y es uno de los motivos para los dislocamientos de las aldeas. Debido al modo de distribución de vegetales y animales en la floresta amazónica, donde la cantidad de especies es mucho más grande, pero altamente dispersa, la probabilidad de extinción de una especie dada es alta. Por esta razón, así como es necesario dejar el terreno en reposo, recuperándose de la extracción de nutrientes por las plantas comestibles, también es preciso mantener "áreas de refugio" para animales de modo que se les pueda dar oportunidad a las especies para que recuperen su equilibrio demográfico después de largo aprovechamiento por los cazadores de un área dada. De aquí la sabiduría de dejar a las antiguas aldeas como bolsillos de tierra sin usar cuando las comunidades se mudan a nuevos lugares.

La gran importancia de la recolección de productos silvestres para la alimentación de los yanomami no es obvia a primera vista. La recolección no tiene el resultado espectacular de una buena caza o de una carga desmesurada de mandioca traída a la aldea en las cestas abarrotadas de las mujeres, sin embargo un rol prominente en la dieta yanomami. Bocados exquisitos como el *nabi*, una larva que crece en los troncos podridos de las palmeras, ciertas lagartijas, ranas, frutas de varios tipos, nueces y otras cosas comestibles, son consumidas inmediatamente en el bosque o son transportadas a la aldea envueltas en modestas hojas, pero con regularidad suficiente para contribuir significativamente en el suplemento de las vitaminas, proteínas, sales minerales y una apreciada variedad gustativa. En la estación correspondiente, el *abacá, acai* y otras frutas de palmera, las cuales son traídas en grandes cantidades y luego consumidas como jugo. La recolección puede ser combinada con pescas cortas por grupos de mujeres, grupos de hombres o por parejas. En el camino, se apañan también recogiendo lo que es necesario, como por ejemplo, bejuco para hacer cestas o simplemente hojas y flores para adornos.

El material para la infraestructura de una aldea, desde la construcción de casas hasta utensilios domésticos, vienen prácticamente todos de la floresta: postes y hojas para las construcciones, fibras y juncos para redes, cuerdas, cestería y otros bienes, tallos, astas y troncos para instrumentos de caza, pesca, transporte de objetos, cabestrillos para acarrear a los infantes, resinas para antorchas, ceras para cierres y una infinidad de otros productos. Todo esto es adquirido por el trabajo de recolección de hombres y mujeres individualmente o en grupos.

Sumando todas esas actividades, es posible calcular, como hizo el geógrafo William Smole (1976) quién calculó que, para un grupo de 84 personas, es necesario tener un área de 640 km², donde están contenidos todos los recursos necesarios para la vida de los yanomami, su producción y reproducción. Lo que significa una densidad demográfica de 0,13 habitantes por kilómetro cuadrado, que es justamente la densidad media calculada para los yanomami. Así que, es aún más clara la razón por que son necesarios cerca de 9 millones de hectáreas para los yanomami del Brasil para mantener sus prácticas económicas, sociales, políticas y rituales.

La utilización de los recursos naturales por los yanomami es el resultado de una larga tradición, pasada a lo largo de muchas generaciones, alcanzando un punto de equilibrio de tal manera que en terrenos reconocidamente poco fértiles, han conseguido sustentarse y crecer sin agotar a la floresta . De las profundidades de su sabiduría, los yanomami desarrollaron un sistema social, político y económico que privilegia la dispersión territorial, pues saben que cualquier tipo de concentración populosa mayor resulta en el agotamiento de los recursos. Su territorio es grande y hay muchas buenas razones para que lo sea.

Parte de esta sabiduría es la práctica de dos tipos de movilidad espacial. Una que podríamos llamar de micro-migraciones, y dictada por la necesidad de hacer nuevos huertos cada dos o tres años, lo que, a medio plazo, resulta en el dislocamiento de las aldeas en un radio de aproximadamente tres kilómetros cada cinco o diez años. El otro, en un radio de unos 10 a 30 kilómetros, es de plazo más largo y puede ser el resultado del agotamiento acumulado de un área dada, pero puede también deberse a fallecimientos, epidemias o relaciones conflictivas entre comunidades, provocando nuevos rearreglos geográficos y sociales.

Una de las características más marcantes de la organización social de los yanomami es el padrón de segmentación de las aldeas, engendrando a nuevos grupos locales cada dos o tres generaciones. Las rivalidades políticas que surgen en el interior de las comunidades son mecanismos eficientes para el alejamiento de grupos disidentes en busca de nuevos locales de residencia y subsistencia. Los lazos de consanguineidad, y afinidad establecidos por intermatrimonios e intereses de trueque preservan las relaciones entre ellas. Al principio aliadas, estas comunidades que antes fueron una

Vista aérea de una pista de aterrizaje ilegal de mineros en el rió Mucajai superior, Roraima.
Foto: Charles Vincent/CEDY-CCPY).

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sola, con el tiempo, se van distanciando físicamente, tanto social como políticamente. Con este proceso, evitan la concentración indebida de mucha gente explotando los mismos recursos y, al mismo tiempo, preservan la gran red de relaciones que cubre todo el territorio yanomami.

De ese modo el tamaño medio de las comunidades es de 30 a 50 personas, raramente alcanzando a 300, como es el caso en algunas comunidades en el estado de Amazonas.

Es indiscutible la necesidad que los yanomami tienen de un territorio de aproximadamente 9 millones de hectáreas en el Brasil, no sólo para mantener un nivel de vida económico, social y político, que ha demostrado su eficiencia en la preservación de la ecología de la Amazonía a lo largo de varios siglos, sino también para garantizar a la generaciones futuras espacio suficiente para darle continuidad a esa cultura.

Todo esto muestra muy claramente que los yanomami no solo son capaces de extraer un sustento adecuado y permanente de su medio ambiente, sino que ellos son los únicos que pueden hacer lo adecuado para la protección de la estabilidad ecológica de su territorio. La experiencia adquirida a través de muchas generaciones, los capacitan para tratar racionalmente con los delicados recursos naturales de su territorio.

Los yanomami llevan viviendo en la región del Macizo de las Guayanas, por lo menos, desde el siglo 18, que fue cuando se hizo la primera referencia escrita de su presencia por exploradores blancos (Albert 1985). Pero si utilizamos las técnicas lingüísticas de medir la profundidad temporal del distanciamiento de lenguas relacionadas (glotocronología), encontramos cifras reveladoras: que indican que para que las cuatro lenguas yanomami conocidas (*yanomam, yanomamí, sanumá* y *yanan*) se subdividiesen y alcanzasen el nivel de diferenciación que encontramos hoy, habría sido necesario por lo menos 700 años. El lingüista E. Migliaza (1982) calcula que la primera lengua en separarse fue la sanumá, en el siglo 13 de la era cristiana. Según el geógrafo norte-americano W. Smole, el hecho de que los hablantes de esas cuatro lenguas viven relativamente próximos unos a otros indica que su territorio original debería de haber sido mucho más grande de lo que lo es hoy, para que de este modo se pudiera permitir una dispersión geográfica que resultara en la diferenciación lingüística, antes de una nueva contracción territorial. El registro lingüístico es uno de los pocos legados de evidencia dejados por la historia remota de los yanomami. Por un lado, las condiciones climáticas de la Amazonía son poco prometedoras para descubrimientos arqueológicos; el clima caliente y húmedo destruye en poco tiempo la mayor parte de los materiales de origen orgánico, como viviendas, vestiduras, etc. Por otro lado uno de los rasgos más típicamente yanomami es la cremación de los muertos y posterior ingestión ritual de los restos mortales y de los huesos carbonizados. Así que no dejan vestigios de sus cuerpos y muy poco de su cultura, como hachas de piedra o vasijas de barro. Nos resta la glotocronología, la historia oral de los propios yanomami y los relatos de varios exploradores de siglos pasados (Migliaza 1972; Albert 1985).

Amenazas a la integridad de los yanomami y de sus territorio

El desmembramiento del territorio yanomami en 19 áreas, pequeñas y discontinuas, va frontalmente contra todas las evidencias de que la sobrevivencia de los indígenas depende de un territorio continuo y suficientemente grande para garantizar el mantenimiento del equilibrio ambiental y de la continuidad de sus formas de vida propias. El argumento de que corredores entre las 19 áreas servirían de áreas de amortiguación cae en el vacío cuando nos encontramos con la invasión de decenas de millares de garimpeiros en franca actividad depredatoria tanto en los mencionados corredores como en las propias áreas declaradas indígenas. Si algún área de amortiguación ha de crearse debería ser en los límites externos del área propuesto en 1984 por FUNAI, o sea, más de 9 millones de hectáreas de territorio continuo. Además, estos corredores no hacen más que cortar la cadena orgánica de senderos y arroyos que sirven de vías de comunicación en las innumerables comunidades yanomami. Para ir desde un bloque de las comunidades a otro, los yanomami estarían así expuestos por los corredores, teniendo que atravesar regiones que les han sido usurpadas, ocupadas por pobladores extraños y tal vez hostiles.

Desgraciadamente hay numerosos ejemplos en el país de este tipo de interferencia que muestran enfáticamente como *corredores* aparentemente inofensivos acaban produciendo inmensa devastación en la floresta por la ocupación desmesurada e inapropiada de grandes contingentes de poblaciones provenientes de regiones del país donde nada se sabe sobre el delicado equilibrio del sistema vital de la Amazonía. Los primeros 50 kilómetros de la carretera Perimetral Norte, abierta en 1973-76, son testimonios de la devastación que acompaña la apertura de carreteras u otros tipos de "corredores" en la región. Donde antes había bosque hirviendo de vida, hay ahora una inmensidad de terreno limpio, agotado, pauperizado, exhibiendo algunos esqueletos de árboles como testimonio de lo que una vez allí existió. De este nuevo paisaje desolado, poblaciones regionales tratan de arrancar un sustento precario de futuro dudoso.

La creciente explotación del oro a través de las tierras yanomami ha tenido consecuencias previsiblemente devastadoras. Desde conflictos armados, enfermedades contagiosas, entre las cuales la malaria es la más virulentamente matadora, la desaparición de la caza debido al constante movimiento y ruido de gente, aviones, helicópteros y máquinas chupadoras de cascajos y la extinción de los peces causada por la sedimentación de los ríos y del uso del mercurio, hasta el total trastorno en el sistema de comunicaciones entre las comunidades yanomami, cortado, disturbado, eliminado así mismo por los muchos hoyos y barrancos y por el desvío de los arroyos creado por los garimpeiros en camino a nuevas minas. Los yanomami del Paapiu, centro neurálgico de las operaciones garimpeiras en la Sierra del Couto de Magalhaes, fueron, al inicio de esta década, uno de los grupos más tradicionales y típicos de las montañas. Venían en masa para participar en la ceremonia de los muertos en las aldeas del río Catrimani, a muchos kilómetros al sur, pero al fin de la década han sido reducidos a una condición que recuerda a la de prisioneros de guerra en su propia tierra, sitiados por los garimpeiros, transformados en rehenes culturales de los invasores. (Ramos 1989, Albert 1990). El impacto de la invasión garimpeira es tan grande que perturbó el acceso a las vías de comunicación laboriosamente cortadas y mantenidas abiertas por los yanomami para permitir que su vida social fluya de aldea a aldea, y por lo tanto, unificándolos.

Hasta las comunidades que no sufren directamente (todavía) la presencia concreta de los garimpeiros y sus máquinas acaban recibiendo los efectos de las ondas de choque de este trauma social ecológico y económico que es la fiebre del oro. Epidemias que comienzan en un determinado punto y se extienden como fuego salvaje, dejando un rastro de devastación por el territorio de decenas de aldeas. Tuberculosis, malaria y, la menos dramática pero inexorable, oncocercosis, son enfermedades que mutilan o matan, algunas de manera fulminante, otras poco a poco, corroyendo el equilibrio demográfico de comunidades enteras, poniendo en peligro su producción

de bienes materiales y culturales y su reproducción física y social. No siendo inmunes a esta avalancha patológica, los propios garimpeiros, por sus gran movilidad, son los transmisores privilegiados de estos desastres de salud que ya comienzan a invadir otras partes del país donde hasta ahora eran muy raros o desconocidos (fueron registrados casos de malaria en el sur del país y oncocercosis en Goiás). Al mismo tiempo, la polución de un río por causa del mercurio va a afectar a todas las poblaciones que viven río abajo, independientemente de contactos directos con los propios garimpeiros. La contaminación de los nacimientos de ríos pueden ocasionar daño a todos los ríos como fuentes de alimentos.

Estas ondas de choque amplifican la tragedia yanomami con cada nueva pista de aterrizaje que se abre, cada nuevo barranco que se descubre y dilapida, cada nuevo campamento garimpeiro que se instala. En este proceso, no hay comunidades inmunes, ni en el mismo lado o al otro lado de la frontera, en tierras venezolanas. Como célula cancerosa, los efectos de enfermedad de la actividad garimpeira se extienden por arterias, venas capilares de la gran cadena orgánica que es la sociedad yanomami.

Entretanto, las actividades de minería como tales no tienen que ser, necesariamente, de carácter depredador en gran escala, y mortífero para las comunidades indígenas. Hasta 1987, algunos grupos yanomami cribaban su propio oro en escala doméstica sin que sus vidas sufriesen bruscas y desastrosas alteraciones. En la región del Ericó, los yanomami vieron, en el inicio de los años 70, la primera ola de garimpeiros pasar por su territorio. Eran relativamente pocos y se dirigían al norte, entraron a Venezuela, de donde fueron expulsados, y volvieron a Brasil, unos pocos continuaron dedicándose a la minería (uno de ellos acabó casándose con una mujer yanomami y se quedó en la aldea de Surubai), aprendieron la lengua indígena y enseñaron a los yanomami a cribar oro con tecnología más modesta y simple. En 1985, pasé dos meses en la aldea de Ericó y constaté que la mayoría de los hombres hablaban el portugués, aunque no perfectamente, tenían sus propias minas de oro y las explotaban de manera semejante a la que explotaban sus huertos. Extraían un poco de oro cuando necesitaban dinero extra para ir a la ciudad a comprar algunas cosas, como ropa, sal, tocadiscos, o munición. Con estos bienes ya parte de su universo, no significa que los habitantes de Ericó dejaran de ser yanomami, en mantener sus creencias, costumbres, lengua y otros componentes de su tradición que, aunque transformada, continúa siendo viva. Para ellos, la minería pasó a ser una actividad doméstica rentable más. (Ramos et al. 1985).

Para que ellos continúen gozando su modo la vida tradicional y la nueva riqueza que a ellos les pertenece, es necesario garantizar su territorio y el uso exclusivo de estos recursos naturales. De persistir la invasión garimpeira que, como una metástasis se expande y destruye las vidas y la cultura de los yanomami, la sociedad brasileña tendrá a su frente el espectáculo desolador del sufrimiento de un pueblo milenario y en su conciencia el peso de dejar que se destruya una civilización esclarecida y una ecología que es tan rica como vulnerable.

Esta es una traducción actualizada del Informe de Expertos escrito en agosto de 1989, a pedido de la Procuraduría General de la República como parte de la evidencia presentada a un Juez Federal por la interdicción de las tierras yanomami, y la evacuación de aproximadamente cuarenta mil buscadores de oro que han estado invadiendo el área desde agosto de 1987.

Familia yanomami, Brasil. Foto: Claudia Andújar.

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1. La gravedad de la situación es tal que el Ministro de Justicia (*Procurador General de la República*), Arístides Junqueira Alvarenga, ha requerido la aplicación de la Ley No. 2.889 de 1956, conocida como la "Ley de Genocidio", a aquellos que han sido responsbles de todas las muertes yanomami. Es al primera vez en la historia de Brazil que esta ley ha sido activada (*Journal do Brazil*), 18 de setiembre, 1990; *Folha de S. Paulo*, 19 de setiembre, 1990; *Estado de Sao Paulo*, 19 de septiembre, 1990; *Correio Brazilienze*, 19 de setiembre, 1990).

Argentina: Reforma Constitucional y Política Indigenista

Por: Jorge Fava

ARGENTINA, América del Sur

1. Introducción

En momentos en que en el seno de la sociedad argentina se debate intensamente la reforma de la Constitución Nacional, en puntos tales como: modificación del actual sistema presidencialista, con la instauración de la figura de un primer ministro; acortamiento del período de gobierno de seis a cuatro años y la posibilidad de reelección del primer magistrado; reemplazo del colegio electoral por elecciones con doble vuelta; etc.; debemos hacer un ligero repaso sobre la cuestión indígena en el país y el estatus sociopolítico de los pueblos indios dentro de lo que podemos llamar el "espíritu", y aún de la letra, de la Carta Magna y la legislación nacional argentina.

En el Brasil, la Asamblea Constituyente modificó recientemente la Constitución Nacional de ese país, sin que lograran acceder a ella ninguno de los líderes indígenas propuestos. (Ver el artículo 231 de la nueva Constitución del Brasil).

Redactada en el año 1853, la Constitución argentina está animada e impregnada de un hálito propio a la realidad y corriente de pensamiento del siglo pasado. Este modelo de concepción "liberal" encierra en su texto francas contradicciones, cuando no una abierta discriminación a amplios sectores de la sociedad que se pretendía organizar.

En plena conquista y expansión territorial (año 1853) a costa de las naciones indias, el poder central de la comunidad nacional, veía e interpretaba la situación de los aborígenes como un obstáculo a sus pretensiones progresistas o simplemente como a enemigos de la patria.

Hoy, transcurridos 137 años y consumadas la "Conquista del Desierto" y la "Campaña del Chaco", a fines del siglo pasado, avasallados los derechos, libertades y dignidad de los aborígenes, se replantea el tema ante la posibilidad de reforma constitucional.

La Dirección de Información Parlamentaria expresa que: "El análisis de los antecedentes reunidos permite establecer una línea de evolución en el tratamiento de la cuestión indígena por parte de los poderes Legislativo y Ejecutivo. Esta línea indica esquemáticamente, y de manera convencional, la existencia de varios períodos que se distinguen por la orientación del tema.

1. Etapa ofensiva/defensiva.
2. Etapa de sometimiento/colonización. En la misma se observan diferencias según el predominio de los modos empleados para la incorporación del indígena a la sociedad: la "reducción" o la difusión de los valores propios de la civilización.
3. Etapa de búsqueda de una política de integración.
4. Etapa de revalorización de la cultura indígena" (1).

Para que esta última etapa se oriente efectivamente hacia una revalorización, desde los poderes Ejecutivo y Legislativo se deberá avanzar cualitativamente sobre los contenidos legislativos que no se condigan con este postulado; tarea que, como veremos, está por hacerse.

Los días 14 y 15 del mes de abril de 1984, y con el auspicio de la Asamblea Permanente Por Los Derechos Humanos (APDH), se realizó en la ciudad de Buenos Aires las PRIMERAS JORNADAS DE LA INDIANIDAD (2), con la presencia de especialistas y líderes de varios de los diversos grupos étnicos que habitan en el país. Allí, después de agotadoras sesiones, se redactaron las conclusiones elaboradas por las mesas de trabajo, en las que se dieron a conocer posturas políticas, religiosas, denuncias y reclamos.

Analicemos ahora, someramente, algunos de los planteos indígenas de aquellas Jornadas, que debieran ser respetados en la redacción de la nueva, o al menos remosada, Carta Magna.

2. Extracto de la Comisión I: Derechos Territoriales

2.1. "En cuanto a la fundamentación, no podemos argumentar que las tierras nos pertenecen porque las trabajamos. Las organizaciones indias, como el Consejo Indio de Sudamérica y el Consejo Mundial de Pueblos Indios, que están representados ante las Naciones Unidas en su Consejo Económico Social plantean esta cuestión como naciones indias y no sólo como pueblos o tribus como dice el Convenio 107 de la OIT o la ley 14.932" (3).

Debemos aclarar aquí que la ley 14.932 homologa los Convenios 87, 105 y 107 de la OIT; este último referido a la protección e integración de la población indígena (revisado en junio de 1987-89) (4).

La reciente ley 23.302 Sobre Política Indígena y Apoyo a las Comunidades Aborígenes (5), mantiene la situación en los mismos términos sin reconocer el reclamo arriba consignado, aunque introduce nuevos aspectos que mejoran la legislación anterior.

En el articulo 7 de la misma norma jurídica, se disponen los términos de la adjudicación de tierras en conceptos progresistas tales como:"... tierras *aptas* y *suficientes* para la explotación agropecuaria, forestal, minera, industrial o artesanal, según las *modalidades propias* de cada comunidad...", o la entrega de:... títulos definitivos a quienes los tengan precarios o provisorios." (Las itálicas son nuestras).

Dicha ley fue devuelta al Senado de la Nación por el Poder Ejecutivo, quien le

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REPUBLICA ARGENTINA: POBLACION INDIGENA, 1977

PUEBLOS INDIGENAS	UBICACION (PROVINCIAS)	POBLACION TOTAL (*)
Matacos	Chaco, Formosa, Salta	23,884
Chorotíes	Salta, Formosa	1,113
Chulupí	Formosa, Salta	264
Tobas	Chaco, Formosa, Salta, Santa Fe (Buenos Aires and Rosario barrios marginales)	39,000
	Santa Fe and Chaco	9,805
Mocovíes	Formosa	2,800
Pilagás		
Chaguancos-Chiriguanos	Salta y Jujuy	27,680
Chanés	Salta	2,325
Guaraníes	Misiones	1,108
Collas	Jujuy, Salta y Catamarca	98,000
Diaguito-Calchaquí	Tucumán y Catamarca	61,100
Mapuches	Neuquén, Chubut, La Pampa, Buenos Aires y Santa Cruz	36,370
Quichuas y Aymarás	Jujuy, Salta (Buenos Aires barrios marginales)	38,500
Tehuelches mapuchizados (Aoni Ken)	La Pampa, Chubut	278
	Santa Cruz	183
Tehuelches Onas (Shelk'nam) mestizados	Tierra del Fuego	35
TOTAL DEL PAIS		**342,445**

(*) Población indígena con conciencia de tal (incluye sólo aquellos censados que se identificaron como indios).

Fuente: Servicio Nacinal de Asuntos Indígenas. Asociación Indígena de la República Argentina (AIRA). Buenos Aires, 1976. Tomado de. I. Hernández, 1985.

introdujera una serie de reformas, dándosele entrada en la 1. Sesión Extraordinaria de la Cámara de Senadores de la Nación del 12 de febrero de 1986, durmiendo allí el largo sueño de los postergados. Finalmente, en febrero de 1989, y a través del decreto N. 155/89, el Poder Ejecutivo Nacional reglamentó la ley N. 23.302. El decreto correspondiente establece además que el Instituto Nacional de Asuntos Indígenas (INAI) deberá crear delegaciones en las regiones del noroeste, litoral, centro y sur del país (6).

3. Participación

3.1. "Las naciones indias tienen el derecho de estar representadas cuando se dirime cualquier problema que las afecte" (7).

Este derecho está reconocido por la ley 23.302 en su artículo 5°., al decir: "Créase el Instituto Nacional de Asuntos Indígenas como entidad descentralizada con participación indígena, que dependerá en forma directa del Ministerio de Salud y Acción Social...".

En otra parte del presente artículo nombra a los representantes de los distintos ministerios ante el Instituto y luego especifica:

"e) Representantes elegidos por las comunidades aborígenes cuyo número, requisitos y procedimiento electivo, determinará la reglamentación."

4. Mesa de Trabajo III: Derechos Culturales

4.1. "a) Derogación del artículo 67, inciso 15 de la Constitución Nacional, porque exige la evangelización del indio, que incita al etnocidio y se opone a la libertad de cultos" (8).

Este es uno de los puntos más importantes y que deberá ser tenido en cuenta en el futuro Congreso Constituyente, porque se plantea abiertamente una cuestión de discriminación social y por estar en rotunda contradicción con el artículo 14, que consagra la libertad de la profesión del culto.

"Art. 67, 15 - Corresponde al Congreso: Proveer a la seguridad de las fronteras; conservar el trato pacífico con los indios, y promover la conversión de ellos al catolicismo." (Constitución de la Nación Argentina).

Es esta aspiración una pretensión del viejo imperio español, cuando ya en 1601, a través de un mandato monárquico, Felipe III recomendaba: "Todos deben mirar por la conversión de los indios...". A partir de un equivocado paternalismo, Mariano Moreno volcó estas concepciones en su "Disertación Jurídica Sobre el Servicio Personal de los Indios", que leyó en la Real Academia de Práctica de Jurisprudencia de Buenos Aires en agosto de 1802; cuyo pensamiento fue recogido y llevado al Congreso Constituyente de 1853 por el diputado Benjamín J. Lavaysse, transformándose posteriormente en el artículo 67, inciso 15 de la Carta Magna argentina (9).

En su obra "Teoría Pura del Derecho", Hans Kelsen escribe: "...La Constitución puede también determinar el contenido de ciertas leyes futuras al prescribir o prohibir tal o cual contenido...".

"...Así, cuando una Constitución moderna establece una lista de derechos individuales básicos, tales como la igualdad ante la ley o la libertad de conciencia, dicha Constitución prohibe por ello mismo la sanción de leyes que consagren desigualdades entre los sujetos de derecho o que ataquen a alguna de las libertades que les están garantizadas..." (10).

Como vimos, nuestra Constitución se aparta de ese principio fundamental (consagrado en su art. 28) cuando prescribe derechos y determina futuros contenidos legislativos (ej: art. 14), que luego no los reconoce a un segmento de la población en otra parte de su propio texto. La explicación a la contradicción señalada de los artículos

67, inciso 15 y 14. de la Carta Magna, la encontramos en el hecho de que se atribuía a los pobladores indígenas un estatus político-social diferenciado, por inferior, del resto de los integrantes del pueblo; postura que a su vez se enfrenta al artículo 16 de la misma Constitución, respaldado, además, por los pactos y declaraciones internacionales, que sostienen la igualdad de todos los hombres ante la ley (11).

Por su parte el artículo 14. de la ley 23.302, al hablar de los planes de educación especifica: " ... los planes que en la materia se implementen deberán resguardar y revalorizar la identidad histórico-cultural de cada comunidad aborigen, *asegurando al mismo tiempo su integración igualitaria en la sociedad nacional.*" (Las itálicas son nuestras).

La ley 14.932 (Convenio 107) también hace referencia a este punto: (medidas:) "Art. 2. - a) Que permitan a dichas poblaciones beneficiarias, en pie de igualdad, de los derechos y oportunidades que la legislación nacional otorga a los demás elementos de la población."

Existe aquí otra clara contradicción entre la Constitución y legislaciones vigentes, además de un nefasto racismo subyacente (12).

Llegados a este punto, se impone aclarar que la igualdad ante la ley debe apoyarse sobre la base del respeto a las diferencias, para lo que habrá de tenerse en cuenta la tesis de las organizaciones indígenas de "igualdad en la diferencia"; que no es otra cosa que el reconocimiento institucionalizado (constitucional) de la existencia de estos pueblos y sus respectivas especificidades étnico-culturales (ver N. 5: política y organización), basándose en el principio jurídico de la inviabilidad de la tenencia de una misma legislación para dos realidades distintas. Comprendiendo, en definitiva, que las disimilitudes socio-culturales son el resultado de búsquedas divergentes y no el producto de un retraso evolutivo de unas (indígenas) con respecto a otra (occidental).

Sobre el tema religioso, el texto de la ley 23.302 no es claro, ya que sólo nombra un representante de la Secretaría de Cultos ante el Consejo Asesor sin establecer nada más. En tanto la ley 14.932 precisa en el artículo 4, a, que se debe: "Tomar debidamente en consideración los valores culturales y religiosos ..." de las etnias; y en el inciso b, agrega que los cambios deben efectuarse: "... con el consentimiento de los grupos interesados." Al tema se lo sigue manejando con cierta vaguedad o total mutismo, mientras que la realidad desdice al artículo 4, b.

4.2. "XI - Que se repudie el artículo 76. de la Constitución Nacional que expresa que el presidente de la República debe ejercer el culto Católico" (13).

En este otro punto urticante con el que los reformistas se habrán de enfrentar, en virtud que desmiente la pregonada igualdad de los hombres y la libertad de cultos, limitando caprichosamente las posibilidades políticas de importantes sectores de la sociedad global, anteponiendo un requisito que nada tiene que ver con la organización política de la República.

Será inexacto hablar de libertad religiosa o igualdad entre los hombres, mientras los aborígenes sufran en este aspecto una situación marginal, determinada por un fuerte sesgo etnocéntrico instaurado en la Carta Magna. La legislación actual representa para el indígena argentino, una enmarañada selva de leyes contrapuestas y divergentes, en la que el mejor guía montaraz perdería fácilmente el rumbo.

Numerosos grupos étnicos padecen con este artículo la misma discriminación que los indígenas, también relegados, como observamos, en otras cuestiones. La amplia mayoría de católicos que habitan en el país, no es argumento suficiente para justificar la injusticia o la marginación.

Argentina: Provincias

1 Jujuy
2 Salta
3 Formosa
4 Chaco
5 Catamarca
6 Tucuman
7 Santiago del Estero
8 Misiones
9 Corrientes
10 Santa Fe
11 Cordoba
12 La Rooja
13 San Juan
14 San Luis
15 Mendoza
16 Entre Rios
17 Buenos Aires
18 La Pampa
19 Neuguen
20 Rio Negro
21 Chubut
22 Santa Cruz
23 Tierra del Fuego

5. Mesa de Trabajo IV: Política y Organización

5.1. "Para que exista participación equitativa entre las culturas indias y la occidental, el Estado argentino debe reconocer a los pueblos indios como naciones enmendando la Constitución para que Argentina sea una confederación pluricultural y plurinacional. Teniendo así cada uno derecho a la autogestión y a desarrollar la propia cultura según el derecho internacional" (14).

Este reclamo al poder nacional se entronca con las lógicas aspiraciones de autogestión, tesis fundamental para la organizacion y participación de los pueblos indios, dentro de la configuración total y pluricultural de la Argentina. (Ver No. 1: derechos territoriales). Al respecto, Adolfo Colombres manifiesta: "El cambio, que es ya una constante reconocida en toda cultura, en el caso indígena...se convierte en una necesidad de la cual depende su supervivencia como etnia. Pero tal cambio debe surgir del mismo grupo, ser plenamente asumido por éste, y no el fruto de una imposición externa dirigida a variar la fachada para mantener la asimetría básica de la relación de dominio..." (15).

6. Autodeterminación y Declaración de Derechos Indígenas

Pero más allá de la discriminación y el racismo "institucionalizado", el colonialismo interno de la sociedad nacional sobre los grupos indígenas, adquiere aristas complejas en una realidad que nos obstinamos en ver parcializada. En el mes de abril de 1982, y bajo el gobierno de la dictadura militar, se discutía intensamente en los foros internacionales y en el pueblo mismo, la recuperación de nuestras Islas Malvinas en manos de Inglaterra, potencia invasora. La situación de los "kelpers" (nombre que se da a los habitantes de las islas), como ciudadanos de segunda categoría del Reino Británico, fue el pan que alimentó las críticas y cuestionamientos sobre los valores éticos de un Estado ciertamente colonialista. Los ingleses reclamaron la *autodeterminación* de la población isleña (de origen sajón, ya que los primigenios habitantes argentinos fueron hace tiempo expulsados - año 1833) como clave para dirimir el problema de soberanía en disputa. La propia voluntad de los pueblos como doctrina para decidir sus destinos, es tema central de la política exterior argentina, enarbolada en todos los conflictos internacionales como principio inalienable (el caso Nicaragua es un ejemplo reciente); pero rechazada en la cuestión Malvinas por tratarse de población implantada, sin posibilidades de autodeterminarse. Es así ciertamente, pero analicemos el problema desde una óptica estrictamente indígena: nuestra llamada comunidad nacional sería entonces población implantada con respecto a los verdaderamente autóctonos grupos indios (16). ¿Posibilitaremos la autodeterminación aborigen? Según Gregorio U. Guardian: "La autodeterminación implica la participación decisoria e igualitaria. Se ha de manifestar en la dirección libre y consciente que asuman los pueblos indígenas en la formulación, ejecución, evaluación y modificación de política o programa que la concierne, para ser sujetos y protagonistas principales en su propia historia" (17).

Contrariamente a lo que algunos Estados nacionales han supuesto, no sin mala fe, la autodeterminación indígena no conlleva una actitud separatista o de superposición de un Estado sobre otro; sino que, como razonaba Bonfil Batalla, busca en lo nacional un espacio de encuentro de la diversidad, en tanto que en lo demás cada etnia seguiría su propia vía de desarrollo.

Repasemos ahora los aspectos fundamentales de los derechos indígenas definidos en la Cuarta Reunión del Consejo Mundial de Pueblos Indígenas (CMPI), llevada a cabo en Panamá entre los días 23 y 30 de septiembre de 1984 y que contó con la participación de aproximadamente 300 representantes aborígenes de 23 diferentes países.

"Declaración de derechos indígenas:"

"**Principio 1.** Todos los pueblos indígenas tienen el derecho a su autodeterminación. En virtud de este derecho pueden determinar libremente su estatus político y seguir libremente su desarrollo económico, social, religioso y cultural."

"**Principio 2.** Todos los Estados dentro de donde viven los pueblos indígenas deben reconocer la población, territorio e instituciones de los pueblos indígenas."

"**Principio 3.** La cultura de los pueblos indígenas forma parte de la herencia cultural del hombre."

"**Principio 4.** Las tradiciones y costumbres de los pueblos indígenas deben ser respetadas por los Estados, y reconocidas como una fuente fundamental jurídica."

"**Principio 5.** Todos los pueblos indígenas tienen el derecho a determinar la persona o grupos de personas incluidas en su población."

"**Principio 6.** Cada pueblo indígena tiene el derecho a determinar la forma, estructura y autoridad de sus instituciones."

"**Principio 7.** Las instituciones de los pueblos indígenas y sus decisiones, así como la de los Estados, deben ser de acuerdo a los principios de derecho humanos internacionalmente aceptados, ambos individual y colectivamente."

"**Principio 8.** Los pueblos indígenas y sus miembros tienen el derecho a participar en la vida política del Estado."

"**Principio 9**. Los pueblos indígenas deben tener derechos exclusivos a sus tierras tradicionales y a sus recursos naturales; allí donde las tierras y recursos naturales de los pueblos indígenas han sido tomadas sin su libre consentimiento e información, esas tierras y recursos naturales deben ser devueltas."

"**Principio 10.** Los derechos territoriales de los pueblos indígenas incluyen los derechos al suelo y subsuelo, derechos completos a las aguas interiores y de la costa y derechos a zonas económicas y específicas costales dentro de los límites de la ley Internacional."

"**Principio 11.** Todos los pueblos indígenas pueden, para sus necesidades, utilizar libremente sus riquezas y recursos naturales de acuerdo a los principios 9 y 10."

"**Principio 12.** No podrá realizarse ninguna acción o tipo de conducta que, directa o indirectamente, puede resultar en la destrucción de la tierra, aire, agua, hielo en agua, vida animal, habitat o recursos naturales sin el libre e informado consentimiento de los pueblos indígenas afectados."

"**Principio 13.** Los derechos originales a la cultura material, incluyendo lugares arqueológicos, artefactos, diseños, tecnología y trabajos artísticos de los pueblos indígenas les pertenece a ellos mismos.

7. Conclusiones

Nuestra sociedad debe aceptar que los grupos aborígenes argentinos obtengan un espacio político-cultural equitativo de participación, a fin de plasmar un modelo de identificación común a partir del conocimiento y el respeto de las diferencias que como pueblos poseemos, evitando de esta manera el negativo colonialismo cultural que aún hoy regla nuestras relaciones interétnicas (19).

La actual posibilidad de reforma constitucional, nos ofrece una nueva oportunidad de revisión de las injusticias pasadas, para que las presentes y futuras generaciones indias crezcan en libertad y participen de la construcción de una sociedad más justa.

Notas:

1) Dirección de Información Parlamentaria: Tratamiento de la Cuestión Indígena. Congreso de la Nación. Buenos Aires, abril de 1986. Pág. 13.
2) APDH: Primeras Jornadas de la Indianidad. Buenos Aires, 1984.
3) Idem, pág. 29.
4) Boletín Oficial, 29/XII/59. Esta ley no fue reglamentada, ni se creó organismo de aplicación.
5) Boletín Oficial, 12/11/85.
6) Diario CLARIN. Buenos Aires, 18/02/89 y revista HUAICO No. 35. S.S. de Jujuy, junio de 1989. Pág. 29.
7) APDH: ob.cit.,pág. 29.
8) Idem, pág. 31.
9) BIEDMA, José J.: Crónicas Militares. Antecedentes Históricos Sobre la Campaña Contra los Indios. Buenos

Aires, 1975. Pág. 145.

10) Kelsen, Hans: Teoría Pura del Derecho. Introducción a la Ciencia del Derecho. Buenos Aires, 1960. Pág. 145.

11) Declaración Universal de Derechos Humanos:

"Artículo 1o.- Todos los seres humanos nacen libres e iguales en dignidad y derechos y, dotados como están de razón y conciencia, deben comportarse fraternalmente los unos con los otros.

"Art. 2o.- 1. Toda persona tiene todos los derechos y libertades proclamados en ésta Declaración, sin distinción alguna de raza, color, sexo, idioma, religión, opinión política o de cualquier otra índole, origen nacional o social, posición económica, nacimiento o cualquier otra condición." (Asamblea General de las Naciones Unidas, 10 de diciembre de 1948).

12) "... por un lado - dice Isabel Hernández - las sociedades nacionales reconocen jurídicamente igualdad para todos y cada uno de sus miembros, necesitan incluso especificar que esta igualdad alcanza a los integrantes de etnias diferenciadas, y por otro lado la sociedad, de hecho, propicia un trato desigual y condenatorio a los representantes de las razas socialmente descalificadas.

"Esta contradicción realza una afirmación que conviene recalcar: si en América la discriminación nace como justificación histórica del genocidio de la Conquista, subsiste como necesidad de legitimar la explotación económica que actualmente se ejerce sobre los campesinos aborígenes. Para todo pueblo dominador, el pueblo dominado fue y seguirá siendo "bárbaro y hereje" porque necesita justificar su propia barbarie en el acto del sometimiento, descalificando para siempre al sometido." (Los Indios y la Antropología en la Argentina. En: Los Indios y la Antropología en América Latina. Buenos Aires, 1984. Pág. 39).

13) APDH: ob. cit., pág. 32.

14) Idem, pág. 33.

15) COLOMBRES, Adolfo: Hacia la Autogestión Indígena. Quito, 1977. Pág. 25.

16) Sobre la conceptualización de "extranjeros" aplicada por algunos sectores de la sociedad nacional a los mapuches y otras etnias, Dolores Juliano aclara: "...Comencemos por analizar el mecanismo según el cual se considera que gran parte de nuestra población indígena es "extranjera". Por ejemplo, la racionalización, según la cual los mapuches son migrantes chilenos, y por lo tanto sus problemas no nos atañen directamente. Además de ser ésta una interpretación incongruente con las características inmigratorias del país, constituye una evidente manipulación histórica. El territorio mapuche es previo a la existencia de Argentina y de Chile y se extendía a ambos lados de la cordillera, con parcialidades diferentes pero interrelacionadas. Además hay aún mucha discusión entre especialistas sob. si la etnia original provenía o no de las llanuras pampeanas. Al producirse la expansión de los dos estados mediante la conquista de territorio indígena, se fraccionó éste, quedando la parte de mayor densidad de población incorporada a Chile. El hecho que los desplazamiento indígenas no tuvieran en cuenta esa frontera no autoriza a asig-

Indios mocovíes, Provincia de Santa Fe, Argentina. Foto: Archivos de IWGIA.

narles globalmente una nacionalidad chilena, que en algunos casos se corresponde con la autoadscripción, pero en muchos no." (El Discreto Encanto de la Adscripción Etnica Voluntaria. En: Procesos de Contacto Interétnico. Buenos Aires, 1987. Pág. 102).

17) GUARDIAN, Gregorio: Autodeterminación Indígena. Colonialismo Interno. Boletín IWGIA. Vol. 8, nos. 1/2. Copenhague, mayo de 1988. Págs. 125-127.

18) Boletín IWGIA. Vol. 5, nos. 1/2. Copenhague, mayo de 1985. Págs. 234 y 235.

19) Sobre esta política Miguel. A. Bartolomé y Scott S. Robinson opinan:"... Sólo la posesión y la revalorización de la auto-imagen es lo que les permitirá oponerla, en pie de igualdad, a la imagen de la ideología científica que opera como justificación filosófica de la actual *praxis* indigenista. ... Es decir: las poblaciones indígenas pueden actuar como conciencia política a partir de su conciencia étnica..." Y más adelante agregan: "La comprensión de que el modelo sociopolítico indígena constituye una alternativa cultural, tan legítima como otras, aumenta su validez si la consideramos no solamente como un *valor en sí*, sino también como un *valor para*. Así vemos que el modelo indígena, en términos de su propia dialéctica interna-externa, forma parte de una estructura cultural, siendo por lo tanto necesaria su supervivencia. Siendo la supervivencia del modelo esencial la identidad étnica, y esta necesaria para la conciencia política, se desprende que la lucha de las minorías étnicas por su liberación pasa por la reafirmación de su propia identidad, en oposición a los modelos impuestos por Occidente." (Indigenismo, Dialéctica y Conciencia Etnica. En: Los Indios y la Antropología en América Latina. Buenos Aires, 1984. Págs. 183 y 186).

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Indio mapuche, Neuquén, Argentina. Foto: Alejandro Parellada.

5 IWGIA DOCUMENTS

52.THE MAASAI AND THE STATE $ 4.00

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¿Autodeterminación o asimilación?

Respuesta a Mario Vargas Llosa

Por: Evaristo Nugkuag Ikanan, Presidente de la COICA

Al acercarse el quinto centenario de la colonización de América, están apareciendo diversas interpretaciones y alternativas sobre el significado y consecuencias de este hecho (o tragedia histórica.) Otra vez, muchos quieren intervenir en el destino de los pueblos indígenas, haciéndolo muy por fuera y por arriba de nosotros. Un ejemplo de esto es el artículo del Sr. Mario Vargas Llosa, publicado en la revista Harper's en diciembre de 1990, en la cual se propone la modernización (o asimilación) de los pueblos indígenas para, supuestamente, no morirnos de hambre y vivir en libertad.

La propuesta (o amenaza) no tiene nada de novedosa, aunque sí sorprenden los argumentos, pero es importante analizarla por tratarse de una personalidad internacional y de un ex-candidato presidencial del Perú. Por ello la Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (COICA), en representación de más de trescientos pueblos indígenas alcanza su opinión sobre el artículo "Preguntas de Conquista", de dicho intelectual.

Vargas Llosa comienza preguntándose porqué fue posible la conquista del Imperio Incaico tan desarrollado, por un puñado de aventureros, y decide recurrir a la historia descriptiva, como la de su profesor Raúl Porras Barrenechea, y no a la interpretación social y económica. El, encuentra la respuesta en la supuesta incapacidad de los indios *quechuas* para tomar decisiones independientes, como consecuencia de vivir en una sociedad totalitaria y teocrática. En cambio, los pocos conquistadores eran parte de una cultura donde el individuo es fuente de valores, la cultura "de la libertad, la civilización más poderosa del mundo" (pág. 51). Sin embargo, esta promesa "de soberanía individual" sigue inacabada y, para el autor, el Perú y América Latina son simples "reuniones artificiales y forzadas de diferentes costumbres" (pág. 51), por culpa de los americanos y no de los conquistadores. Además, comprueba el "boquete económico" que margina en la miseria a los indígenas y, considera que nuestra integración a la sociedad nacional debe ser a través de nuestra modernización (o asimilación) pidiéndonos pagar el precio de renunciar a nuestras culturas indígenas (pág. 52). Así mismo, aclara que esto es lo realista, aunque trágico, y que lo entristece. Finalmente, pone el ejmplo del supuesto proceso de exterminio de los *machiguengas* en el Perú y concluye con el llamado a "escribir en la vida real" la obra maestra (pág. 53) de esta modernización, la gran cruzada que, suponemos, Vargas Llosa empezó en el Perú con el fracaso político del movimiento Libertad en 1990, con el cual probablemente seguirá insistiendo.

Esta es, en síntesis la propuesta y sus fundamentos, toca ahora analizarlas en profundidad. En nuestro mundo indígena bastaría con rechazar la actitud tiránica de un intelectual que no tiene ningún derecho a proponer la destrucción cultural de un millón y medio ciudadanos amazónicos, tan libres como él de decidir nuestro destino. Sin embargo también es necesario analizar las contradicciones, vacíos y desconocimiento que lo llevan a esa propuesta equivocada.

Vargas Llosa falla al rechazar la historia de carácter social y preferir las opiniones de los individuos aislados. No le gusta la historia de los cambios sociales, pero se contradice al proponernos su modernización que es, precisamente, un profundo y terrible cambio social. También falla al ver a los pueblos quechuas, y se supone que a todos los demás indios de América, como incapaces de tomar sus propias decisiones y que "la libre determinación fue imposible en las sociedades hormigueros pre-hispánicas" (pág. 51); porque sí hubo y hay vitalidad en nuestras culturas. Así es como se registra la resistencia de los pueblos Pre-Incas (entre ellos los amazónicos) al dominio quechua, la resistencia quechua al dominio colonial, la gran rebelión de Túpac Amaru, que el propio autor menciona.

Otro error es considerar que los conquistadores representaban "la cultura del individuo como fuente de valores", y que "la sociedad colonial permitió, como el Incanato no pudo, la creación del individuo como la fuente soberana de los valores con que juzga a la sociedad" (pág. 50). Los catorce millones de cadáveres indígenas que produjo la colonia y las guerras feudales dentro de España, bastan para desmentir esto.

El autor no explica porqué, cinco siglos después, no se ha cumplido esa promesa de la soberanía individual y existe ese "boquete económico" que afecta a los indígenas. Dice sólo que la causa no son los conquistadores; pero precisamente lo que se ha mantenido en todo este tiempo es la continuidad de la colonización de los pueblos indígenas amazónicos, bajo diferentes formas legales, pero afectando nuestra autodeterminación territorial, social y política.

Hasta aquí el novelista nos ha presentado argumentos contradictorios, errores históricos y graves vacíos en sus explicaciones. Con esta base tan débil intenta pasar a las conclusiones y propuestas. Aquí aparecen argumentos de tipo político, como aquel tan discutible de que la cultura occidental es la cultura de la libertad y soberanía individual y, por eso, la más poderosa del mundo (pág. 52). Esta es una posición de defensa de la cultura colonial u occidental, a pesar de su

crisis, y por eso quizás, se pasa a las propuestas con un carácter conservador, justificado como realista. Vargas Llosa admite que "tal vez no hay una manera realista de integrar nuestras sociedades sin pedir a los indios pagar un precio alto: renunciar a su cultura, lenguaje y creencias" (pág. 53); "si fuera forzado a escoger entre las culturas indias y su asimilación completa, con gran tristeza escogería la modernización, y la primera prioridad, por supuesto, es combatir la miseria y el hambre"; "es trágico destruir lo que está existiendo como posibilidad cultural, aún cuando es arcaico, pero temo que tendremos que tomar una decisión" (pág. 53).

Parece la misma voz de los diferentes políticos y autoridades que han venido insistiendo en esta asimilación, que sólo ha producido marginación y explotación en estos quinientos años que, contradictoriamente, el autor también reconoce cuando señala el exterminio indígena amazónico en nombre del progreso (pág. 46), el exterminio en Guatemala, y el apartheid. Durante cinco siglos los pueblos indígenas amazónicos hemos sobrevivido, y junto con nosotros el bosque tropical; ahora ese tipo de modernización occidental, en poco tiempo es una amenaza por la deforestación y explotación que todos denuncian. El novelista nos llama cultura arcaica y se entristece de proponer acelerar nuestra destrucción cultural; quienes quizás deban responderle son los más modernos científicos y ecologistas que aún no terminan de aprender nuestra sabiduría cultural para convivir con el bosque tropical y usarlo sin destruirlo. Su descubrimiento más moderno es el desarrollo sostenido, que nuestros antepasados practicaban cotidianamente.

¿Cómo es posible que Vargas Llosa ignore que en su país, el Perú, los pueblos indígenas luchan con tenacidad para obtener el respeto a su "libre decisión individual" a través de las 25 federaciones integradas a la Asociación Interétnica de Desarrollo de la Selva Peruana (AIDESEP)?

¿No conocía que en la Cuenca Amazónica Sudamericana, el millón y medio de ciudadanos indígenas que componen 300 pueblos, están organizados en más de 80 federaciones locales y nacionales en la Unión de Naciones Indígenas (UNI) del Brasil, Confederación de Nacionalidades Indígenas de la Amazonía Ecuatoriana (CONFENIAE), la Organización de Naciones Indígenas de Colombia (ONIC), la Confederación Indígena del Oriente Boliviano (CIDOB), y AIDESEP, y que inclusive, desde hace 6 años estamos unificados en la COICA?

¿Porqué elabora su novela "El Hablador", sobre los machiguenga, con una visión superficial y exótica de un pueblo en extinción, mientras que en realidad se trata de 10.000 indígenas organizados en varias comunidades y federaciones que se están resistiendo a la manipulación y modernización que tratan de imponerles los intermediarios, los salvadores religiosos o los intelectuales?

¿Cómo es que un intelectual defiende la

(cont. p. 35)

"Lo hemos podido y lo podremos siempre, sólo nos falta la libertad de conciencia y la libertad de pueblo, hoy muy lejos de nosotros a causa de la opresión y la colonización". Indígenas peruanos de la región de Ayacucho, Perú. Foto: Niels Nyholm.

· ULTIMAS NOTICIAS · ULTIMAS NOTICIAS ·

Filipinas: erupciones volcánicas

Miles de familias pertenecientes al pueblo *aeta* se vieron forzadas a huir de sus hogares a causa de la erupción del Monte Pinatubo en Luzon Central, Filipinas. Los que escapaban de la erupción se vieron obligados a buscar refugio en los centros de evacuación en las provincias circundantes.

El pueblo Aeta que vive en las laderas del Mte. Pinatubo fue el primer grupo en ser evacuado. El efecto de la evacuación es más pronunciado entre las víctimas más vulnerables, el pueblo aeta. El entorno en los centros de evacuación era marcadamente diferente de aquel al cual están acostumbrados los aeta.

Los evacuados aeta se ven también sometidos a informes discriminatorios por parte de la radio y la televisión y los diarios, los cuales los describen como salvajes e incivilizados.

La erupción del Monte Pinatubo transformó en terrenos baldíos a los pueblos ubicados a su alrededor a causa de la gruesa capa de ceniza, lava y barro que cubrió las tierras. Algunos aeta describieron cómo sus hogares habían sido destruidos por al menos un metro de barro y arena. Sus granjas fueron cubiertas, en forma similar, por arena y cantos rodados. Muchas aldeas han sido barridas por el torrente de barro y la ceniza.

No se sabía cuánto tiempo los evacuados aeta tendrán que permanecer fuera de sus tierras. Los expertos dicen que la tierra cubierta por ceniza permanecería improductiva por al menos 2 o 3 años. Pero las estimaciones varían, ya que algunos dicen que podría tomar hasta 15 años.

Para poder entender completamente la trágica situación de los aeta, es necesario hacer algunos comentarios sobre su historia. El pueblo aeta, que vive en Monte Pinatubo, era originalmente habitante de la costa y las tierras bajas. Las laderas de Monte Pinatubo eran, en realidad, ya su último refugio. Fueron empujados a las montañas a causa del abuso y la explotación de su cultura y la usurpación de sus tierras. Relatos históricos nos dicen que, durante los comienzos del siglo 20, los niños aeta eran a veces secuestrados y vendidos como esclavos.

Los vastos territorios ahora ocupados por la Base Naval Subic y la Base Clark de la Fuerza Aérea de los Estados Unidos, eran antes parte del dominio ancestral de los aeta. Estos nunca recibieron pago por estas tierras.

En los últimos meses, a pesar de la gran tragedia causada por la erupción volcánica, el interior de la Cordillera de Luzon Septentrional fue escena de un masivo despliegue militar.

Por lo tanto, mientras los aeta eran desplazados de sus hogares, los *tingian* de Abra, los *kankanaey* de la provincia de Mountain y los *kalinga de* Kalinga-Apayao también eran forzados a evacuar debido a los continuos bombardeos y las operaciones de represalia de parte de los militares en sus aldeas. Es realmente muy triste que mientras el mundo está concentrado en enviar ayuda a los pueblos afectados por el desastre natural, el gobierno de Aquino está gastando millones de pesos por día para continuar su destructivo avance en la Cordillera. Otra vez, no sólo los aeta, sino también los pueblos de la Cordillera, enfrentan la seria amenaza de extinción por parte de un gobierno visto generalmente como un gobierno humano.

(Fuentes: TABAK; CPA) ❑

Bangladesh: Recientes acontecimientos en Chittagong Hill Tracts

En diciembre del año pasado la democracia fue restablecida en Bangladesh. Para presionar al nuevo gobierno a abandonar la represión militar del régimen anterior, fue presentado la siguiente declaración a las Naciones Unidas.

En la resolución 1989/109 la Sub-Comisión expresó su agradecimiento al gobierno de Bangladesh por el progreso hecho respecto al tratamiento de su población tribal.

Desafortunadamente, la información dada a la "Comisión Internacional de Chittagong Hill Tracts" durante su visita reciente a Bangladesh e India muestra claramente que esta conclusión fue prematura.

Las conclusiones de la Comisión Internacional han sido ya resumidas, en el documento E/CN.4/Sub.2/AC.4/1991/5.

Durante su estadía fue restablecida una democracia multipartidaria en Bangladesh. Esto dio esperanza de un mejoramiento substancial de la situación de los derechos humanos en Chittagong Hill Tracts. No obstante, Chittagong Hill Tracts están aún bajo riguroso control militar y violaciones graves de los derechos humanos aún prevalecen en toda la región.

Además, desde la caída del régimen de Ershad todos los Consejos de Distritos en Bangladesh han sido suspendidos, excepto los tres Consejos de Distritos de Chittagong Hill Tracts. Estos fueron establecidos en 1989 bajo procedimientos implementados por fuerza e intimidación, los cuales fueron duramente criticados por la Comisión Internacional.

Desde 1979 más de 400.000 colonos bengalíes han sido trasladados de la llanura a Hill Tracts apoderándose de la tierra que pertenece a los pueblos de la montaña. Los derechos de propiedad de estos pueblos, reconocidos por la ley de Bangladesh han sido contravenidos al ser ilegalmente ocupada por los colonos la tierra perteneciente al pueblo indígena.

La militarización de Hill Tracts no se limita solo a los pueblos tribales. La reubicación generalmente involuntaria de los montañeses, en aldeas de agrupamiento, ha sido análoga a un proceso similar, que limita a los colonos bengalíes a *guchchagrams* militarmente controlados. Gran cantidad de colonos expresaron a la Comisión sus deseos de retornar a las llanuras.

En la emisión del Informe de la Comisión de Chittagong Hill Tracts, en la Cámara de los Lores, Londres, el 23 de mayo de 1991, Wilfried Telkämper, vicepresidente del Parlamento Europeo declaró que un enorme porcentaje del ingreso nacional de Bangladesh es gastado en la represión militar en la zona de Chittagong Hill Tracts. A pesar de ser uno de los países más pobres en el mundo, Bangladesh aparece hacer de la militarización de la zona una prioridad, aumentando sus ya enormes problemas.

La Comisión recomienda que el gran paso hacia una democracia multipartidaria que tuvo lugar en diciembre de 1990, sea extendido para que cubra a todo el país. Ya que todavía, Chittagong Hill Tracts es la única zona que no ha sido beneficiada por las libertades emergentes en todo el resto de Bangladesh. Todo futuro asentamiento de extraños en la zona debería ser detenido. Grandes cantidades de colonos bengalíes en la zona quieren dejarla, pero no tienen medios para hacerlo. Debería discutirse la reubicación voluntaria en el contexto de la ayuda exterior. Las aldeas de agrupamiento

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deberían ser desmanteladas y debería efectuarse una investigación independiente de los títulos a la tierra y de los ocupantes ilegales.

La desmilitarización de Chittagong Hill Tracts debe constituir una prioridad y deben establecerse instituciones políticas autónomas como resultado de un referéndum de los pueblos de la montaña. Las leyes del Consejo de Distrito deberían ser suspendidas o enmendadas.

Los signatarios de esta declaración están sumamente preocupados sobre las muchas violaciones de los derechos humanos que han tenido lugar en Chittagong Hill Tracts tal como ha sido documentado por la Comisión Internacional. La mayoría de estas violaciones ocurrieron antes de que el nuevo gobierno de Bangladesh asumiera el poder.

Sin embargo, han habido informes de atrocidades recientes en contra de las tribus montañesas. Además, los efectos del reciente ciclón sobre Chittagong Hill Tracts han sido altamente desatendidos, y han habido informes de que ninguna ayuda de emergencia ha sido enviada a los pueblos de la región.

Tenemos la confianza de que el nuevo régimen de Bangladesh tiene la capacidad y la voluntad de cambiar rádicalmente su política con respecto a los pueblos tribales de Chittagong Hill Tracts y de mejorar la situación de los derechos humanos en la región.

Exhortamos en forma urgente a que las Naciones Unidas destaquen un Informante Especial o envíen una persona bajo sus servicios asesores para trabajar junto al gobierno de Bangladesh, a que la O.I.T. y las ONG competentes asistan y controlen los cambios de política recomendados por la Comisión Internacional.

Declaración escrita a la Sub-Comisión de Prevención de la Discriminación y Protección de Minorías, para ser considerada bajo el párrafo 15 "Pueblos Indígenas" en la reunión anual, agosto de 1991. Esta declaración ha sido presentada a las siguientes ONG con estatus consultivo en las Naciones Unidas (Ecosoc):
El Consejo Nórdico Saami
Conferencia Circumpolar Inuit
Asociación Internacional Contra la Esclavitud (Anti-Slavery International)
Grupo Internacional de Trabajo sobre Asuntos Indígenas (IWGIA) ❑

Ecuador: Indígenas ocupan sala del Congreso Nacional (*)

El pasado martes 28 de mayo unos cien campesinos afiliados a la Confederación de Nacionalidades Indígenas (CONAIE) ocuparon las instalaciones del Parlamento de Quito y demandaron el reconocimiento de Ecuador como país "multiétnico y pluricultural".

Los indígenas, quienes también demandaron la amnistía para 1.000 campesinos procesados por la justicia penal, consiguieron que el Presidente de la Asamblea Legislativa, Edelberto Bonilla, incluya sus pedidos en la agenda de las próximas sesiones ampliadas del Parlamento.

El Presidente de la CONAIE, Luis Macas, expresó que si las demandas no son atendidas, los indígenas formarán un Parlamento y un Gobierno propios.

"Los indígenas - dijo Luis Macas -hemos concurrido al Congreso porque históricamente nos pertenece. Estamos aquí porque se dice que esta casa es del pueblo, y no sólo tienen derecho a este recinto quienes están defendiendo los intereses de la oligarquía de este país". El dirigente de la CONAIE destacó que desde 1979, cuando el Ecuador volvió al sistema democrático, los indígenas no han recibido ningún beneficio del Congreso y que "...algún día no muy lejano en este recinto que hoy es propiedad de la oligarquía, los de poncho también ocuparán estas curules y legislaremos para el pueblo que está pereciendo hambre. Este tiene que ser el recinto de los obreros, de los trabajadores, de los campesinos, de los indios, de los negros y pobres de este país, en definitiva de aquellos que nunca hemos tenido la oportunidad de venir acá para hacer algo para cambiar la situación de injusticia que vivimos." (**)

Ante la protesta indígena los empresarios ganaderos pidieron una "acción clara" del gobierno para evitar que se cumplan "las consignas internacionales diseñadas para incendiar el país dentro del marco de los 500 años del descubrimiento de América". Las Fuerzas Armadas por su parte, pidieron al Presidente Rodrigo Borja que "se neutralice la labor que vienen realizando los movimientos extremistas y entidades internacionales que, aprovechando la ingenuidad de los nativos, pretenden que se legalice un Estado indígena".
(*) IPS. 30/5/91
(**) "Hoy". Quito. 29/5/91. ❑

O.I.T.: Notificación de la puesta en vigencia de la Convención de Pueblos Indígenas y Tribales, 1989 (No. 169)

El artículo 38 de la Convención de Pueblos Indígenas y Tribales de 1989 (No. 169), adoptado por la Conferencia Internacional del Trabajo en su sesión No. 76, el 27 de junio de 1989, estipula que la Convención entrará en vigencia, doce meses después de la fecha en que las ratificaciones de dos miembros de la Organización Internacional del Trabajo, hayan sido registradas.

Las ratificaciones de Noruega y México, fueron registradas por el Director General de la Oficina Internacional del Trabajo el 19 de junio de 1990 y el 5 de setiembre de 1990 respectivamente. En conformidad, la Convención entrará en vigencia a partir del día 5 de setiembre.

La presente notificación es hecha de acuerdo a las estipulaciones del Artículo 38 de la Convención.

En conformidad al Artículo 20 de la Constitución de la Organización Internacional del Trabajo, esta convención será comunicada al Secretario General de las Naciones Unidas para su registro de acuerdo al Artículo 102 del Acta de las Naciones Unidas. ❑

Brasil: La epidemia de cólera se extiende por la Amazonía

La epidemia de cólera que entró a Brasil desde Perú a comienzos de año se está extendiendo rápidamente en el área amazónica. La mayoría de los casos de cólera se registraron en las comunidades ribereñas cuyos ríos corren de Perú a Brasil.

La epidemia comenzó el 22 de enero en la ciudad costera de Chimbote, a 422 kilómetros al norte de Lima. Más de 200.000 casos de cólera han sido registrados en Perú siendo 2.000 de ellos fatales.

Unos 20.000 casos de cólera se diagnosticaron en Ecuador y varios cientos en Colom-

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bia. Bolivia y Chile también han sido afectados, pero en menor medida.

Los últimos informes de las autoridades de salud peruanas afirman que se ha alcanzado al pico de la epidemia y que ya comienza a decrecer, probablemente como consecuencia del frío invernal.

Fuente: IPS, julio 17. ❑

Brasil: Las tierras Yanomami

El pasado 19 de abril, día del indio en Brasil, el Presidente Collor de Mello firmó un decreto que prohíbe la explotación mineral en el territorio de los indios *yanomami* al mismo tiempo que determinaba la creación de una comisión, para estudiar la demarcación definitiva de las reservas yanomami.

Con este decreto quedó sin efecto una autorización emitida por el gobierno de José Sarney (1985-90) que permitía a los buscadores de oro, conocidos como "garimpeiros", la extracción del metal en áreas vecinas a las tierras indígenas. El gobierno anterior también dispuso que los yanomami podían vivir en una reserva compuesta por 19 zonas separadas entre sí en el Estado de Roraima, limítrofe a Venezuela. El nuevo decreto busca demarcar las tierras yanomami como una sola área, en la cual se prohíben los trabajos de extracción de minerales y de otros productos.

Por fin, el 25 de julio último, el Diario Oficial publicó la resolución No. 02/91 de la FUNAI aprobando la delimitación de los territorios yanomami en un área continua de 9.419.108 hectáreas en los Estados de Roraima y Amazonia. Ahora resta que el Presidente Collor de Mello y el Ministro de Justicia acaten la propuesta de la FUNAI, para ello tienen un plazo de 30 días.

Mientras tanto, se están haciendo sentir fuertes presiones contra la reserva para los yanomami. La Escuela Superior de Guerra está haciendo circular un documento reservado que apunta sobre el peligro inminente de la internacionalización de la Amazonía. El comandante militar de la Amazonía, general Agenor Santa Cruz afirmó que el Ejército va a transformar a la Amazonía en un Vietnam en caso que grupos externos quieran internacionalizarla. Por otro lado, los gobernadores de los Estados de la Amazonía se reunieron durante los primeros días de julio para obtener una posición conjunta sobre la utilización de los recursos naturales de la selva. El gobernador del Amazonas llegó a proponer el retorno de los incentivos fiscales para proyectos agropecuarios en la región.

Expulsión de garimpeiros

A la espera la decisión final de la demarcación, el 19 de julio la Policía Federal y la FUNAI reiniciaron la retirada de millares de garimpeiros de la tierra de los yanomami en Roraima. El saldo del primer día de la operación fue de 13 aviones multados y el cierre de diez pistas de aterrizaje en los alrededores de Boa Vista.

Fuentes: IPS 19/4/91 - CCPY 26/7/91. ❑

Artico: Conferencia Cumbre de Líderes Indígenas

Del 17 al 20 de junio, líderes indígenas de Alaska (EEUU), Canadá, Groenlandia, Noruega, Suecia, Finlandia y la URSS se encontraron en Hørsholm, Dinamarca en ocasión de la primera Conferencia Cumbre de Líderes del Artico. Reproducimos dos importantes declaraciones que fueron adoptadas al final de esta reunión.

Declaración de la Cumbre de Líderes Indígenas

Nosotros, los representantes de las organizaciones indígenas del Artico, a saber, la Conferencia Circumpolar Inuit, el Consejo Nórdico Saami y la Asociación de las Minorías de la Unión Soviética;

Reunidos en Hørsholm, Dinamarca para la primera reunión de Líderes Indígenas del Artico para buscar un mayor entendimiento y futura cooperación;

Respetando la continua y tradicional administración de nuestras tierras, aguas, plantas y animales y la sabiduría tradicional de nuestros pueblos;

Profundamente **preocupados** por la salud, el bienestar y la sobrevivencia de nuestros pueblos, incluyendo el reconocimiento de nuestras necesidades nutritivas, los derechos de los recursos renovables y la protección del medio ambiente del Artico, tanto en el presente como para el futuro;

Siempre **conscientes** de los cambios que han afectado nuestros pueblos, nuestras tierras y nuestros derechos de decidir por nosotros mismos nuestro futuro;

Reconociendo que hay un sólo Artico, y que vamos a compartir un sólo futuro juntos;

Afirmando los requisitos para un desarrollo sostenible y justo de nuestros territorios;

Demandando que los gobiernos reconozcan y den cabida a los derechos de los pueblos aborígenes al auto-gobierno, tierras, recursos renovables y no renovables y el reconocimientos de su cultura y derechos sociales y económicos;

Elogiando a los gobiernos del Artico por su estrecha colaboración con nuestras organizaciones en el proceso de llevar adelante la Declaración de Rovaniemi, y llamando a los gobiernos del Artico a implementar, en su totalidad, tanto el espíritu como las palabras de la Declaración y de la Estrategia para la Protección Ambiental del Artico.

Los pueblos indígenas del Artico **desean** no sólo sobrevivir, sino prosperar como pueblos indígenas en el siglo XX. Los gobiernos del Artico tienen que tomar inmediatamente iniciativas positivas que tiendan un puente entre los pueblos indígenas para el acelerado cambio global que afecta nuestros pueblos. Los gobiernos deben disponer de recursos adecuados para enfrentar la realidad social, y las necesidades de salud, economía y educación de los pueblos indígenas. Se debe recurrir a nuevos acuerdos entre el gobierno y los pueblos indígenas para enfrentar los inmensos desafíos de los rápidos cambios globales. Deseamos un máximo de auto-determinación para los pueblos indígenas.

Adoptamos las siguientes declaraciones como consenso de la Cumbre:

1) Declaración sobre la Subsistencia, la Dependencia Tradicional y Directa de los Recursos Renovables.

2) Declaración sobre el Aprovechamiento de los Recursos Renovables

Acordamos continuar la colaboración aquí iniciada entre los Líderes Indígenas del Artico celebrando nuestra Segunda Cumbre en 1993 organizada por el Consejo Nórdico Saami.

También **acordamos**, para presentar nuestros intereses mutuos, iniciar un proceso que lleve a una Segunda Cumbre de Líderes Indígenas del Artico, que incluya los siguientes puntos:

-aprovechamiento de los recursos renovables y derechos de subsistencia;

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-conocimientos tradicionales ecológicos; y
-el mandato y papel de las existentes y futuras organizaciones importantes para el Artico.

Declaración sobre el Aprovechamiento de los recursos renovables

Los pueblos indígenas del Artico compartimos un lazo común en nuestra dependencia directa con los recursos vivientes de nuestras tierras para enfrentar las necesidades nutritivas, culturales y económicas. Nosotros somos los administradores del ambiente natural. Como auto-reguladores y administradores, hemos mantenido siempre prácticas responsables de desarrollo sostenible. Vivimos en una harmonía continua con nuestro medio ambiente. Somos los primeros y más destacados ambientalistas y conservacionistas. Pedimos que todos los pueblos y gobiernos reconozcan y afirmen nuestro sustento e identidad como aprovechadores de la fauna.

Principios

1. El aprovechamiento de recursos renovables por parte de los pueblos indígenas para cubrir nuestras necesidades nutritivas, culturales y económicas, es un derecho inalienable y fundamental, reconocido por la ley internacional, que incluye la Convención Internacional sobre Derechos Sociales, Culturales y Económicos y la Convención Internacional sobre Derechos Civiles y Políticos.
2. El aprovechamiento de recursos renovables, como es practicada por los pueblos indígenas ha sido reconocida por la Comisión Mundial sobre Medio Ambiente y Desarrollo (conocida como la Comisión Brundtland) y es un componente vital de cualquier estrategia para un desarrollo justo y sostenible, en el Artico.
3. Los pueblos indígenas son los administradores del Artico. El aprovechamiento de recursos renovables de acuerdo a las necesidades, valores, prácticas y conocimiento tradicionales es un elemento integral del mantenimiento de la integridad ecológica del medio ambiente en el Artico.

La Cuestión:

Los pueblos indígenas en todas partes son amenazados de modo creciente por el movimiento de lobby "anti-caza". Los grupos "anti-caza" desfiguran ante el público y gobiernos su verdadero objetivo, que es la total prohibición de matar animales salvajes. Este objetivo esta falsamente descrito como siendo un elemento de un objetivo más amplio de la protección ambiental. De este modo, el movimiento anti-caza, causa un gran daño a los pueblos indígenas y ciertamente pone en peligro su mismo derecho de existir como pueblos distintos.

Acción Requerida

1. Pedimos a gobiernos y organizaciones no gubernamentales reconocer y acomodar plenamente los derechos, valores, necesidades y prácticas de los pueblos indígenas con respecto al aprovechamiento de los recursos renovables en cualquiera de las medidas desarrolladas para la protección y conservación de las especies y habitat del Artico.
2. Insistimos además en la participación directa de los pueblos indígenas del Artico en la planificación, desarrollo y realización de cualquiera de tales medidas, para la protección ambiental o la conservación de las especies y habitat del Artico.
3. Convocamos al desarrollo de una estrategia y a la coordinación de nuestros esfuerzos como pueblos indígenas del Artico, para enfrentar los desafíos presentados por aquellos que buscan interferir con nuestros derechos de caza y pesca. ❑

Costa Rica: Los efectos del terremoto

Cachabria, 19 de agosto. El terremoto del 22 de abril ha descubierto aquí una veta de ricos minerales y ha despertado el deseo de las compañías locales y transnacionales por el acceso al emplazamiento de la reserva de los indios *chiroles* de Costa Rica.

Los grupos indígenas y las compañías de exploración están confrontadas en litigio sobre la repentina aparición de depósitos de oro, cobre, y carbón, virtualmente prontos para ser retirados por el que llegue primero.

En una reunión del consejo de los indios *awapa*, a la cual la IPS tuvo acceso, los líderes nativos alegaron que la exploración mineral debe ser detenida ya que implica una amenaza al balance social y ecológico de la comunidad.

La actividad comercial en la zona indígena está prohibida por la ley que creó la reserva. Pero el código mineral costarricense, aprobada después, revocó el artículo de las leyes sobre el comercio indígena que otorgaba derechos a los depósitos minerales al Estado y a las comunidades nativas.

El terremoto de abril que conmovió la región y descubrió los minerales, produjo rápidamente actividades no autorizadas por parte de empresarios ambiciosos.

Los representantes de compañías locales y extranjeras están solicitando al ministerio de recursos naturales, minas y energía, que promueva una legislación que les permita explorar el área.

Pero mientras el debate continúa, unos 80 operarios mineros están ya contratando trabajadores nativos, dijo Gilberto González, coordinador general de Sejekto, la confederación indígena de Costa Rica.

Las compañías mineras ofrecen altos salarios, caminos, puentes, escuelas, hospitales. Obtener trabajo en las compañías mineras es algo tentador para los residentes locales, ya que constituyen el cuádruple de sus ingresos normales. Pueden llegar a ganar unos 350 colonos (U$ 2,50) por día vendiendo sus productos agrícolas. Pero en la minería comienzan ganando 1.400 colonos por día.

Un representante de los indios *guatuso*, que vive en la frontera con Nicaragua, dijo que la llegada de las compañías mineras ha unido a los grupos que habían estado en conflicto desde los tiempos precolombinos. "Este es un proceso de exterminación, y vamos a pelear lado a lado con nuestros hermanos de las montañas Talamanca (Cachabria) para resistir este ataque a nuestra cultura," dijo.

Fuente: IPS. ❑

◗ *(cont. from p. 30)*

libre determinación, pero hace un juicio sobre nuestra historia y, hasta condena nuestro destino, sin ni siquiera consultarnos o indagar sobre qué es lo que queremos los indígenas y cuál es nuestra libre determinación?

Una vez más debemos ayudar a superar estas ignorancias y agresiones históricas y brevemente expresar que los pueblos indígenas integrados en la COICA, no estamos ni condenados ni resignados al exterminio. Algunos pueblos están fuertemente amenazados por la sociedad moderna, pero resisten, y hemos logrado importantes avances en la consolidación de nuestro derecho al control territorial, a la educación bilingüe intercultural, a la atención primaria de salud articulada a la medicina indígena, al manejo ecológico y autosostenido del bosque tropical amazónico; todo lo cual se traduce en cambios en las legislaciones nacionales y también en el orden Jurídico Internacional como por ejemplo, nuestro reconocimiento como Pueblos en el Convenio 169 de la Organización Internacional del Trabajo, y el derecho a la autodeterminación a ser incorporado en la próxima Declaración Universal de los Derechos de los Pueblos Indígenas del Mundo que viene elaborando la Organización de las Naciones Unidas.

Obviamente nada de esto ha sido fácil, ni tampoco son conquistas plenamente consolidadas. Falta mucho, por hacer, pero existe ya una importante corriente mundial dispuesta a reconocer que sólo puede haber una real modernización, si se cumple con la descolonización territorial, social y cultural que sufren los pueblos indígenas, entre ellos los amazónicos. Nuestra larga lucha por el auto-reconocimiento de los Estados como Estados Multinacionales, cuenta ya con importantes refuerzos en el escenario mundial. El Estatuto de Autonomía de la Costa Atlántica de Nicaragua, la articulación política del pueblo *inuit* atravesando los Estados de Canadá y Alaska, y el derecho al subsuelo de las reservas indias en los EEUU, la justicia comunal practicada por los pueblos *kuna* y *guaymi* en Panamá, la lucha por los derechos políticos de los pueblos y las culturas que integran los estados de Europa y la URSS; todo ello son signos de que los pueblos indígenas y nuestra lucha por la autodeterminación, no son algo arcaico sino que se inscriben en las tendencias avanzadas de la Comunidad Internacional, muy contrariamente a la opinión personal de Vargas Llosa.

Los pueblos indígenas amazónicos seguiremos aportando una nueva modernidad a través de nuestra cultura de autodesarrollo sostenido de la biósfera amazónica como alternativa para la humanidad; seguiremos aportando nuestra organización comunal como forma distinta al estatismo y al individualismo capitalista, y nuestra comunidad como alternativa histórica donde el individuo se desarrolla libremente junto con el interés comunal; seguiremos aportando, resistiendo y luchando por nuestra autodeterminación como expresión de una civilización basada realmente en la soberanía individual. Falta ahora que el Sr. Vargas Llosa opte, con mayor información y claridad intelectual, si está por una modernidad con nuestro trágico exterminio o por una descolonización liberadora. ❑

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U.R.S.S.: El camino de la discordia

Por: Yeremei Aipin

Por primera vez los nativos levantaron una carpa de pieles de reno, no en la tierra, sino en las frías planchas de cemento de un puente. Y por primera vez hombres y mujeres, vistiendo trajes tradicionales, enarbolaron pancartas en el camino y lo bloquearon. Y por la primera vez el río que corre bajo el puente oyó una palabra desconocida: "piquete". Y por primera vez estas tristes palabras fueron trasmitidas desde Varyegan Nizhnevartovsky en la Región Autónoma de Khanty-Mansi de la Región de Tyumen:

Cuando llegué al lugar del "piquete", una carpa de pieles había sido ya levantada. Humo gris salía a través del *makodan*, una apertura para el humo. Había un fuego al lado del camino. Dos calderas de té y una olla de pescado colgaban sobre el fuego. Mujeres vistiendo el vestido nacional ornamentado con bordados, iban y venían. No parecía que sucediera nada especial. La vida usual en el campamento de un criador de renos nómada o cazador. Pero la carpa se levantaba sobre las planchas de cemento de un puente sobre el río Lukhkopl. No se lo podía cruzar ni a pie. Y en el camino, a ambos lados de la carpa, había gente de pie sosteniendo pancartas.

Llegaron camiones de Raduzhny y se detuvieron. Luego llegaron camiones de los campos petrolíferos de Zapadny Varyegan. Los conductores y trabajadores se dirigieron a la carpa.

¿Qué llevo a mis compatriotas a tomar el camino?

Se dijo que estaban perdidos en la tundra - se resistieron a ésto. Sus bosques de pinos fueron cortados - se resistieron a ésto. Sus campos de musgo fueron pisoteados por orugas mecánicas y tractores - se resistieron a ésto. Sus renos fueron atropellados por vehículos motorizados - se resistieron a ésto.

Los pueblos del norte son pueblos pacientes. Pero hay un límite. ¿Cuál fue la gota que rebosó el vaso?

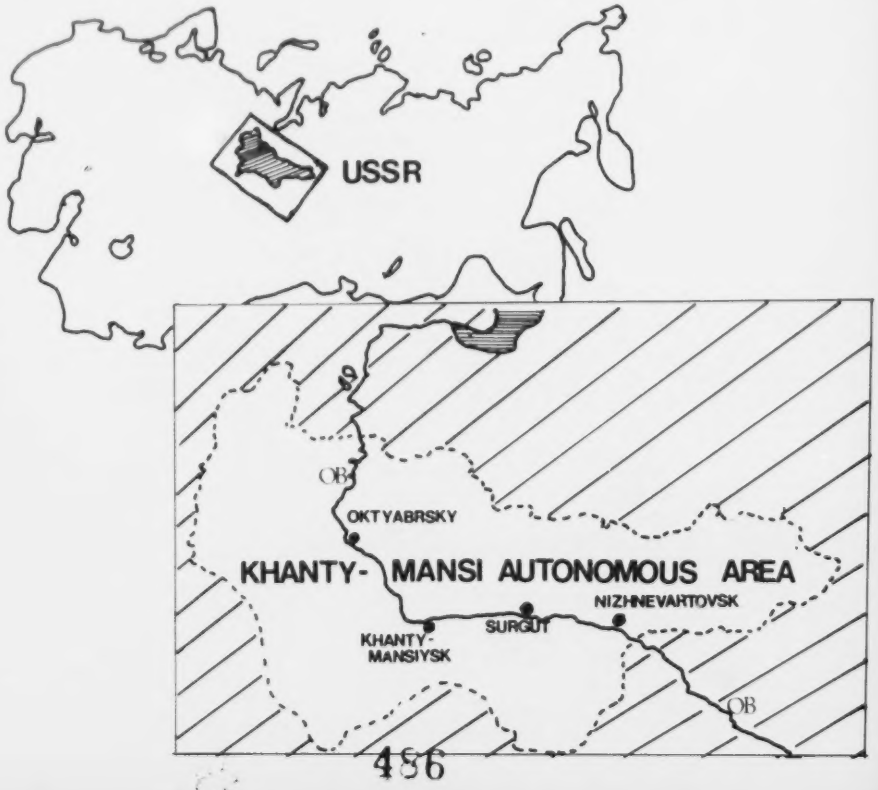
El 31 de julio un vehículo motorizado atropelló a otra víctima de este camino de cemento. Era el toro de un viejo criador de renos *teklyu*. Evidentemente alguien molestó al chofer: él no se molestó en recoger el cadáver y lo dejó en el camino. Poco tiempo después los intestinos de otro reno fueron encontrados en el mismo lugar. También había sido atropellado por un vehículo, pero lograron llevárselo. Todavía no se ha establecido a quien pertenecía.

El día de la muerte de su toro, el viejo *teklyu* fue al poblado de Varyegan. Sabía quién era la Persona Más Importante del país: Gorbachov. También sabía quién era la persona más justa: Gorbachov. ¿Quién poseía la verdad? Por supuesto, Gorbachov. El viejo *teklyu* dijo: "Voy a mandar una carta a Gorbachov. Escríbanle todas mis palabras. No pierdan una sola de ellas."

Así es como se originó el mensaje de un viejo criador de renos.

"Así es cómo son las cosas, hay necesidad de petróleo, también yo tengo necesidad de vivir. Denme transporte, denme un vehículo todo terreno, denme un Buran. Pero mejor denme otro reno.

Si no me dan un reno, no sé lo que voy a hacer. Quizás vaya al camino con un rifle.



Dónde el reno fue atropellado dispararé a un vehículo motorizado, le dispararé al conductor. Esta es una ley de la *taiga*.

No sé lo que hacer si mato a un conductor diferente, no al que atropelló al reno. Otro no debe ser muerto. La ley de la taiga no lo permite.

Nosotros también tenemos que vivir. Que Gorbachov me dé renos. El anteúltimo año murieron diez renos. El año pasado murieron nueve. Este año murieron nueve. Generalmente no encontramos los huesos. Nuestra pequeña niña vio las pezuñas de un reno atadas con alambre mientras que aún estaba vivo, y el reno fue arrojado dentro de un vehículo motorizado. Ella tenía miedo que la mataran también, y no se acuerda del número de la placa del vehículo.

No escribí la carta yo mismo -soy analfabeto- pero todo fue dicho por mí. Que Gorbachov me conteste. ¿Qué es lo que podemos hacer? Lo escribí todo. Dónde estaba el río Amputa, hoy hay un lago. Así es como van las cosas."

Aivaseda Teklyu Khalovich,
31 de julio de 1990.

Area Autónoma Khanty-Mansi. Foto: Vladimir Chew.

Diálogos en el puente

Pasaron exactamente dos meses. Sin respuesta. La gente trataba de explicar al viejo criador de renos *teklyu* que el Presidente tenía que hacerse cargo de todo el país, que no podía escribirle a todos. "Si no puede pensar sobre la vida de cada ser humano, ¿entonces, porqué es el Más Importante?" replicaba el viejo. Y seguía repitiendo: "Cuando estaba Stalin-había renos. Vino Gorbachov-los renos no vinieron. ¿Porqué no vinieron los renos?" Se le dijo al viejo insistente: en la época de Stalin no se hubiera animado siquiera a abrir la boca, pero bajo Gorbachov se sintió como un ser humano y se lanzó, quizás por la primera vez en su vida, en búsqueda de la Verdad y la Justicia. Después de pensar un poco, el viejo *teklyu* replicó: "Quizás sea cierto... Pero no hay vida para mí sin renos. Sin embargo, iré al camino, moriré allí..." Y entonces la gente, los *khant* y los *nenet*, aquellos que tenían renos y los que no tenían ninguno, los que habían perdido a sus familiares en este camino y los que no lo habían hecho, le dijeron al anciano:

"Iremos contigo al camino".

Así es como vinieron al camino, que un periodista local llamó como "el camino de la muerte". Pero vinieron a su superficie de cemento, no para morir, como lo creía el anciano *teklyu*, sino para sobrevivir.

Ahora el viejo criador de renos estaba parado con una pancarta: "No maten a nuestros renos." Había fotografías pegadas a una hoja de papel blanco. Un reno, atropellado por un vehículo motorizado, yace en el camino de cemento. Las huellas de una rueda son claramente visibles. Este es el líder del viejo *teklyu*. Ahora está parado él mismo en el medio del camino, sus labios fuertemente apretados, su cabeza orgullosamente alzada.

El conductor saltó del primer vehículo y gritó:

"¿Porqué bloquearon el camino? Dejen pasar..."

Pero inmediatamente le llovieron las preguntas:

"¿Pero porqué atropellan a los renos?"

"¿Porqué conducen sobre nuestro musgo?"

"¿Porqué matan gente con sus vehículos?"

"¿Porqué han arruinado toda nuestra tierra?"

El conductor, sin embargo, no pareció sorprendido y gritó como respuesta:

"¿Porqué permitieron la construcción del camino? Deberían haber pensado todo eso antes..."

Y otra vez hubo una salva de preguntas de la línea de piquetes:

"¿Pero quién nos preguntó sobre la construcción?"

"¿Quién nos preguntó si podían disponer de nuestra tierra?"

"¿Quién iba a saber que iban a destruir la tierra?"

Cuando la excitación se distendió un poco y hubo más silencio, Yuri Aivaseda, Presidente de la Asociación Varyegan, comenzó a explicar al chofer:

"Al principio se nos dijo: retrocedan un poquito - vamos a construir una ciudad aquí. Nos retiramos. Luego se nos dijo: un poco más - vamos a construir una torre de perforación aquí, habrá un campo petrolífero. Aceptamos. Luego nos dijeron: un poquito más, vamos a construir un camino aquí. Cedimos nuevamente nuestras tierras. Pero ahora resultó que no tenemos dónde ir, no hay tierra. ¿Qué se supone que hagamos?"

El conductor, por supuesto, no pudo contestar nada. Su tono se calmó. Fue conducido hasta la carpa, las pancartas y fotografías, a la lista negra. Aquí era posible enterarse quién había sido atropellado por un camión y cuándo. Quién había sido violado y dejado al borde del camino. El campamento de quién fue robado, las tumbas de quién habían sido profanadas... A la larga, el desconcertado conductor exclamó:

"Estoy con ustedes. He trabajado aquí durante mucho tiempo..."

Vladimir Aivaseda, un diputado del Soviet rural, me dijo:

"Tiene razón: quienquiera que haya vivido aquí durante largo tiempo no hará jugadas sucias..."

Los camiones y trabajadores siguieron llegando. La única persona que faltaba era el director en jefe de producción - Anatoly Sevak, Director General de la Asociación Varyeganneftegaz. El estaba en una misión de negocios en los Estados Unidos de América. Su lugar estaba ocupado por su diputado - Alexander Malkov. Se le hacían preguntas de ambos lados al mismo tiempo: por parte de los criadores de renos y cazadores y por sus propios conductores y trabajadores petrolíferos. Eduard Vekilov y Gennady Kashlev, destacados funcionarios del Ministerio del Petróleo y la Industria del Gas de la URSS, no pasaron desapercibidos tampoco. Después de todo, todos los problemas de esta tierra están ligados a la explotación de los campos petrolíferos.

Pronto, todo fue una gran mezcla. La gente se juntaba en grupos pequeños. Algunos alrededor de Yevdokiya Gkakyer, diputado popular de la URSS. Otros hablaban con Vladimir Sangi, Presidente de la Asociación de los Pueblos del Norte. Incluso otros, en su mayoría jóvenes, se habían juntado alrededor de la hermosa Tatiana Gogoleva, Presidente de La Asociación de Pueblos Indígenas "Por la Salvación de Yugra" del Area Khanty-Mansi.

¿Existe la verdad sobre la tierra?

En el puente cerca de la carpa me acordé de cómo Yakov Nimperov, un cazador del río Pim, me había asegurado una vez:

"No hay verdad para los *khant* en esta tierra..."

"Pero, ¿la has buscado?" le pregunté medio en broma, medio en serio.

"Mi vecino lo ha hecho."

"¿Y cuál fue el resultado?"

"Un helicóptero destruyó su campamento," me contaba Yakov Nimperov sobre su vecino. "Se propuso buscar la Verdad. Mientras que la estaba buscando, un helicóptero se aproximó, dejó caer un barril de petróleo sobre el techo de su establo y lo prendió fuego. Así es como mi vecino y su familia perdieron su provisión de alimentos, y sus ropas y calzado de invierno. Esto fue hecho, evidentemente, para enseñar una lección a los otros - para que no fueran en búsqueda de la verdad..."

Por la Verdad, Yakov Nimperov se refería el derecho de un ser humano a su hogar, su tierra y su destino. Finalmente el derecho a su vida... Y ahora, habiendo bloqueado el camino, mis compatriotas estaban insistiendo sobre el mismo derecho. Publicaron sus demandas formuladas en 17 puntos, en el periódico local **Novosti Raduzhnogo.** Al día siguiente, estas demandas fueron examinadas en una conferencia de los directores ejecutivos de empresas en Raduzhny y Novoagansk, un poblado de geólogos. Nikolai Shkolny, jefe de ingenieros de la Asociación de Producción de Varyeganneftegaz, dijo que se tomarían pasos específicos en todos los puntos relativos con las actividades de los trabajadores petrolíferos. A propósito, los trabajadores petrolíferos nunca se negaron a ayudar a la población indígena. Después de la publicación de mi artículo en **Moscow News** Vasily Dinkov, el entonces Ministro de la Industria del Gas y del Petróleo de la URSS, sugirió la aprobación de un programa, "encarando la eliminación de los efectos negativos en la naturaleza, la creación de zonas dónde todo tipo de actividad productiva fuera prohibida y dónde los pueblos indígenas del Norte puedan vivir , y también la implementación de una infraestructura social, incluyendo escuelas, establecimientos de educación técnica secundaria, viviendas, etc., para ellos". También en ese momento, en 1989, el Area Autónoma Khanty-Mansi parceló territorios especiales para la habitación y actividad económica de los pueblos indígenas del Norte. Pero, desgraciadamente, todavía no han sido aprobadas ni por el Consejo Regional de Tyumen, ni por el Consejo de Ministros de la Federación Rusa. Algo después el Ministro de la Industria del Gas y Petróleo adoptó un Programa por el Desarrollo Socioeconómico de las Regiones Habitadas por los Pueblos del Norte para 1990-1995 A Ser Financiado por las Empresas de la Asociación Principal de Producción de Petróleo y Gas de Tyumen, en el cual estaba planeado invertir 156 millones de rublos. La implementación de este programa comenzó a comienzos de este año. Pero esta ayuda no ha prácticamente afectado el nivel de vida del cazador Alexander Aivaseda, el pescador Vasily Kazamkin o el criador de renos Telyu Khalovich. Los fondos desaparecieron en algún lugar.

Nadie, excepto los trabajadores petrolíferos han respondido en forma concreta: ni los empresarios forestales ni los constructores, ni los trabajadores del gas ni los geólogos.

Ahora, sin embargo, con la transición a las relaciones de mercado, nuestros trabajadores petrolíferos se pauperizarán si el monopolio del estado se preserva y los precios del petróleo no aumentan. Significa que los pueblos del Norte, que viven en tierras que contienen petróleo y gas, también se empobrecerán aún más. Después de todo, ¿puede un pobre ayudar a otro pobre? Pero sería importante pensar sobre los precios estatales del petróleo. Hoy una tonelada de petróleo es varias veces más barata que una tonelada de agua mineral. En el mercado doméstico, por supuesto. ¿No será a causa de ésto que los trabajadores del petróleo están contaminando nuestras tierras? Después de todo, el petróleo no vale nada. Pero lo que no tiene valor, nunca ha sido valorizado por el pueblo.

Mientras tanto, más y más vehículos a motor siguieron llegando. Su conductores se dirigían a la carpa y la olla. Las calderas de té habían hervido hacía rato y la sopa de pescado estaba pronta. Muchos conductores se sentaron cerca de los miembros del piquete, tomaron té, alabaron la sopa y comieron pescado. El locuaz Pyotr Aivaseda estaba contando algo cerca del fuego. El calmo y juicioso Alexander Aivaseda cambiaba ideas con alguien. Al leer los afiches y las listas negras, muchos conductores y trabajadores se indignaron sinceramente. Se aproximaron al viejo Teklyu y dijeron:

"Nosotros te apoyamos."

"Estamos contigo. Aguanta."

Al fin un grupo de conductores pidió una hoja de papel y firmaron las demandas de los *khant* y *nenet*. Tomé la hoja. Había nombres rusos, ucranianos y tártaros.

Me encontré en una posición delicada. Por un lado, estaban mis pqueños pueblos-*khant* y *nenet*, por el otro, trabajadores petrolíferos, constructores y geólogos. Y todos eran mis votantes. Pero no hubo confrontación. Todos entendieron que primero estaba la necesidad de ayudar a aquellos que estaban más necesitados de ayuda. Lo más importante fue la mutua comprensión. La misma atmósfera de benevolencia y consideración predominó el día siguiente en el club rural de Varyegan en una conferencia de altos ejecutivos. Cada uno hizo propuestas sobre cómo mejorar la situación de los nativos *khant* y *nenet*.

Se levantó el bloqueo. Los hombres desmantelaron la carpa rápidamente. Las mujeres enrollaron sus pancartas y empacaron sus platos y fuentes. Y todos se alinearon a lo largo del camino, cara a cara con el otro. Los vehículos rugieron y comenzaron a moverse. Algunos pasaron en "silencio". Otros, al llegar a donde estaban los piqueteros, hacían sonar sus bocinas ruidosamente. Los hombres y las mujeres en sus atuendos nacionales sonreían alegremente, como niños, mientras seguían a los camiones con los ojos.

Luego la gente de la Asociación siguió las huellas del viejo Teklyu-fueron a la oficina de correos y enviaron sus principales

pensamientos y aspiraciones al presidente del país.

TELEGRAMA
PRESIDENTE DE LA URSS M.S. GORBACHOV
EL KREMLIN, MOSCU

Copia:

PRESIDENTE DEL SOVIET SUPREMO DE LA RSFSR B.N. YELTSIN

DURANTE LOS AÑOS DE EXPLOTACION DE LOS POZOS PETROLIFEROS 26 PERSONAS PERTENECIENTES A LAS POBLACIONES INDIGENAS QUE HABITAN NUESTRO SOVIET RURAL, HAN SUFRIDO UNA MUERTE VIOLENTA EN LOS CAMINOS Y CERCA DE LOS DEPOSITOS. CIENTOS DE RENOS HAN SIDO DESTRUIDOS, MILES DE KILOMETROS CUADRADOS DE PASTURAS DE RENOS, TERRENOS DE CAZA Y PESCA, DECENAS DE RIOS DONDE LOS PECES DEJAN SUS HUEVAS HAN SIDO ARRUINADOS.

EN PROTESTA CONTRA LA RAPAZ DESTRUCCION DE LOS PUEBLOS INDIGENAS Y SUS TERRITORIOS, LA RAMA VARYEGAN DE LA ASOCIACION DE KHANT Y NENET LLEVO A CABO PIQUETES PRELIMINARES Y DETUVO EL TRAFICO DURANTE 5 HORAS EL 1 DE OCTUBRE EN EL CAMINO QUE VA DE LA CIUDAD DE RADUZHNY AL CAMPO PETROLIFERO DE ZAPADNY VARYEGAN, EN EL LUGAR DONDE SE PRODUJERON LAS BARBARAS MUERTES DE RENOS POR VEHICULOS MOTORIZADOS.

NOSOTROS EXIGIMOS:

PRIMERO, LA TRANSFERENCIA DE LAS TIERRAS DE NUESTRA PATRIA HISTORICA A LA PROPIEDAD DE LOS CLANES COMUNALES DE PUEBLOS INDIGENAS.

SEGUNDO, CONSTRUCCION DE RELACIONES ENTRE LAS EMPRESAS INDUSTRIALES Y LOS CLANES COMUNALES EN UN PIE CONTRACTUAL.

TERCERO, TRANSFERIR TODO EL PODER EN LAS LOCALIDADES A LOS CONSEJOS DE CLANES ESTABLECIDOS.

SUGERIMOS LA URGENTE ADOPCION DE UN DECRETO PRESIDENCIAL SOBRE LOS PEQUEÑOS PUEBLOS Y EL ESTABLECIMIENTO DE UN GRUPO FINANCIADOR Y COORDINADOR DE LA ASOCIACION DE PUEBLOS DEL NORTE.

EN LA EVENTUALIDAD DE QUE SE CONTINUE LA PRACTICA DE LA DESTRUCCION RAPAZ Y BARBARA DE LOS PUEBLOS INDIGENAS Y SUS TIERRAS, ESTAMOS RESUELTOS A BLOQUEAR TODO LOS TRABAJOS EN LOS CAMPOS DE GAS Y PETROLEO Y EN LOS ASERRADEROS.

LA REUNION INTER CLAN DE LOS KHANT Y NENET PERTENECIENTES A LA RAMA VARYEGAN DE LA ASOCIACION DE LOS PUEBLOS DEL NORTE.

¿Qué responderá el Presidente a ésto?

Yeremei Aipin es un escritor indígena, diputado del pueblo, miembro del Soviet Supremo de la URSS. Esta es una traducción del artículo publicado en Moscow News, No. 41 de 1990. ❑

Area Autónoma Khanty-Mansi. Foto: Vladimir Chew.

¿Una reserva soviética? ¡SI!

Por: Oksana Petrunenko (IAN)

Líder aldeano khant en el exterior de una tradicional ***chum*** *(carpa). Foto Jens Dahl.*

Una reserva constituida por poblados *khant* y *mansi* está siendo establecida en el Area Autónoma de Khanty-Mansi en Siberia Occidental. La mera existencia de estas dos etnias minoritarias septentrionales (las llamadas tribus *ugric)* estaba en peligro a causa de actividades económicas imprudentes. Fue desafortunado para los *khant* y *mansi* que su tierra resultara ser un tesoro en petróleo, gas natural y madera. Torres petrolíferas rápidamente erigidas y árboles derribados por sierras eléctricas mostraron que se daba prioridad a la industrialización de Siberia, de tal manera que los terrenos de caza y pesca y las artesanías tradicionales comenzaron a desaparecer. Como resultado de la explotación acelerada de los recursos naturales, los khant y mansi no tuvieron chance de mantener sus estilos tradicionales de vida. El objetivo de la reserva es salvar éstas y otras etnias minoritarias que viven allí y darles tanta independencia en su desarrollo como sea posible.

El establecimiento de la reserva es una de las pocas instancias en la política soviética en que una decisión ha sido tomada después de minuciosos análisis científicos y tomando en cuenta a la opinión pública.

El liderazgo de la región Tyumen sugirió que los mismos residentes decidan un modelo de desarrollo para su área. Los resultados de un estudio sociológico mostró que la mayoría de la gente tenía entendido que las tribus *ugrid* estaban en grandes aprietos y consideraban que sólo una reserva podría mejorar la situación. Al mismo tiempo, varios proyectos o más bien modelos para resolver el problema fueron entregados a expertos para su examen: asimilación cultural, no interferencia, etc. Etnógrafos, filósofos, abogados y expertos culturales también apoyaron la idea de establecer un territorio étnico o reserva. Incidentalmente, un encare de ese tipo corresponde a los acuerdos internacionales sobre los derechos de los pueblos a mantener un estilo tradicional de vida.

Un tercio del territorio del área autónoma (100.000 km²) ha sido declarado reserva. La explotación industrial de recursos naturales, el talado de árboles, y la construcción de nuevos establecimientos industriales y poblados en este territorio será detenido. Se dará prioridad a los oficios tradicionales, la caza y la pesca. Como en cualquier reserva, el número de extraños, como turistas, constructores, y trabajadores del petróleo, será severamente limitado. Los grupos de prospección que estén trabajando allí serán desplazados a cualquier otra parte.

Está hecha la prospección de 30 depósitos de petróleo y gas en el territorio de la futura

490

reserva. Se ha decidido posponer su explotación durante al menos 25 años. La dirección de la región cree que su explotación puede ser recomenzada cuando se hayan desarrollado nuevas tecnologías de extracción ecológicamente más limpias, y, naturalmente, si los residentes locales están de acuerdo con la explotación de sus recursos minerales.

El establecimiento de una reserva hará posible asegurar, más rotundamente, los derechos de las minorías étnicas. Con este fin la dirección del área planea cambiar las estructuras administrativas. Los asuntos de la reserva serán resueltos en encuentros de los habitantes de los establecimientos étnicos (generalmente 30 a 40 residentes). Pero a nivel regional se requiere un mecanismo diferente de toma de decisiones. Los *khant* y *mansi* ascienden a alrededor de un 65% de la población de la región de Tyumen. Por eso se propuso que el Soviet Regional sea bicameral, lo que hará posible tomar en cuenta la opinión de los pueblos indígenas en lo concerniente a los problemas de su territorio.

Para salvar a las minorías étnicas de la extinción, no es suficiente con permitirles simplemente vivir en territorios compactos. Es también necesario restablecer el medio ambiente, recultivar la tierra, plantar árboles y limpiar los ríos.

La reciente resolución del Soviet Supremo de la URSS recomienda que la tierra que ha sido tradicionalmente usada por los pueblos indígenas y que no puede serles despojada para explotación industrial, sea transferida a las minorías étnicas indígenas del Norte, Siberia y el Lejano Oriente Soviético. Se da prioridad a la preservación del medio ambiente natural y los recursos biológicos vitales para la supervivencia de las minorías étnicas. Esto significa, no sólo una limitación en la actividad económica, sino también la exclusión de áreas enteras del uso intensivo de la tierra.

La reducción de la explotación industrial del territorio afectará indudablemente el presupuesto del área autónoma mientras que la restauración del balance ecológico requerirá gastos considerables. ¿Se dan cuenta de ésto los organizadores de la reserva?

La dirección de la región tiene un plan de compensaciones parciales, de diferentes fuentes, para ser gastado en la restauración de la naturaleza. Por ej., el procesamiento *in situ* de la madera y, su procesamiento del ciclo completo, libre de desperdicios, harán posible obtener mayores ganancias de las ventas de productos terminados. La esperada reducción de la extracción petrolífera, estimulará el desarrollo de tecnologías que ahorren recursos y establecimientos industriales que también prometen ganancias no subestimables.

Otra fuente de financiación son los acuerdos directos con diversas agencias sobre compensación parcial por el uso del territorio. Por ej., la asociación Glavtyumenneftegaz ha firmado un programa de 100 millones de rublos, y el consorcio Gazprom un programa de 50 millones de rublos. Es cierto que esos acuerdos contienen un grado considerable de absurdo: las agencias cuyas actividades son las causantes de los problemas actuales de la región, están ubicando fondos para eliminar sus consecuencias adversas como forma de caridad. Por ahora no se puede evitar, ya que en el presente no hay un firme compromiso por parte de las agencias soviéticas en lo relativo a los territorios en los cuales desarrollan actividades económicas.

Para independizar la reserva de la buena voluntad de los consorcios industriales es necesario establecer un fundamento económico a su existencia. En el contexto del sistema de evaluación de costos, la reserva no sobrevivirá y tendrá que ser rematada a menos que se establezcan altas tasas de impuestos por el uso de la tierra ancestral de los *khant* y *mansi*. Mucha gente de la región cree que la propiedad de esta tierra debe ser transferida a la población indígena.

Artículo publicado en "Perestroika" Nr. 10, 1990. ❑

Más sobre la Unión Soviética

El 16 de octubre de 1990, el Consejo de la Asociación de los 26 Pequeños Pueblos del Norte Soviético, se reunió en Yakutsk, Siberia. En esta reunión se adoptó una "Convención de los 26".

Esta Convención será publicada en la próxima edición del Boletín IWGIA. ❑

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Por: Billy Diamond

QUEBEC, Canadá Oriental

Negociador de la reivindicación de tierras, a sus veinte años, Billy Diamond es hoy día jefe del grupo Waskaganish, de los *cree* de James Bay. A aquellos que ven las negociaciones y la concertación de un convenio de reivindicación de tierras como el fin de una larga batalla, dice Diamond que piensen nuevamente. El no habría firmado el convenio James Bay y el convenio Quebec del Norte, si hubiera sabido en aquel entonces cómo los solemnes compromisos del Convenio serían "interpretados, distorsionados" e ignorados. Ahora el imponente proyecto James Bay II amenaza dañar aún más a la sociedad cree.

En estos días, de lucha pública entre los gobiernos federales y provinciales de Canadá y Las Primeras Naciones de Canadá, se pueden aprender muchas lecciones de la más importante batalla sobre derechos nativos de los años setenta: los hechos que llevaron a la firma del Convenio de James Bay y Quebec del Norte, el 11 de noviembre de 1975. La reivindicación de tierra, actualmente un grito de batalla para los grupos nativos a través de todo Canadá era, en aquel momento, una novedad canadiense. Hoy en día la experiencia del Convenio James Bay es un modelo de reivindicación nativa de tierras, que está lejos de ser perfecto.

La hidro-electricidad es muy importante para Quebec y el territorio cree, *provee aproximadamente el 40% de la capacidad de Quebec de 25.000 megawatts. Sin embargo, contrariamente a algunos países escandinavos, donde los embalses de las represas hidroeléctricas están encerrados por muros de montaña, en el territorio cree los proyectos hidroeléctricos inundan enormes regiones y devastan la tierra.*

El proyecto La Grande, tiene un área de embalse de aproximadamente 14.000 km², de los cuales unos 10.500 km² es tierra inundada. Si James Bay Fase II, la imponente expansión del sistema hidroeléctrico del Norte de Quebec que está siendo actualmente planificada por Hydro-Quebec, se completa, el total llegará a 25.835 km² de embalse, de los cuales 15.519 km² serán tierras inundadas. Esto es comparable a sumergir toda Irlanda del Norte.

En 1970, el primer ministro de Quebec Robert Bourassa propuso el primer proyecto de James Bay el cual consistía de tres partes: el Proyecto Great Whale River, el Proyecto La Grande y el Proyecto Hidroeléctrico Nottaway-Broadback-Rupert. El anunció sus planes sin consultar a los pueblos cree *e* inuit *de Quebec del Norte, cuyas tierras y modos de vida cambiarían para siempre a causa de aquellos proyectos. El Proyecto James Bay amenazaba destruir once ríos principales y perturbar la ecología de una región del tamaño de Francia. Disminuiría permanentemente el modo de vida tradicional de los cree.*

Era nuestra misión, la primera generación de crees salidos de la educación secundaria de contrarrestar esa amenaza. Sabíamos que nuestro pueblo siempre había ocupado el territorio cree. Mi pueblo quería proteger la tierra y nuestro modo de vida. Nosotros éramos los únicos habitantes de esa tierra y nuestro modo de vida dependía de que los ríos continuaran corriendo y de que los bosques y animales continuaran desarrollándose en paz.

Nosotros descubrimos que la ley canadiense tenía pocos precedentes legales sobre derechos aborígenes. También descubrimos que Quebec, conforme a lo estipulado en las Actas sobre la Extensión de los Límites de Quebec, de 1898 y 1912, tenía un compromiso pendiente de solucionar las "demandas" nativas a los territorios. Quebec nunca había cumplido lo estipulado, para su accesión del Territorio de Rupert Oriental del Canadá. De este modo, la demanda de

Quebec a todo Quebec Septentrional, estaba en peligro porque había rechazado negociar con nosotros. La demanda de Quebec a todo Quebec Septentrional aún corre riesgo, porque el Acuerdo de James Bay no ha sido respetado.

Cuando presentamos el caso a la corte, nuestra primera posesión, única y continua ocupación de la tierra, jugó un pequeño rol en el proceso. Quebec trató de comprobar que como mi pueblo usaba herramientas y mercancías comprados en almacenes, no éramos más un pueblo indígena. Ante las cortes, sin embargo nuestra historia fue contada clara y honestamente por nuestro pueblo. A través de intérpretes, nuestro pueblo relató acerca del modo cómo ellos vivían en harmonía con la tierra y la fauna y los recursos de sus alrededores. Después de seis meses de testimonio ganamos nuestro caso. Fue el proceso oral más largo del Canadá y es un hito fundamental como precedente legal y coraje judicial. El juez Albert Malouf reconoció que nosotros, los primeros habitantes, teníamos derechos que sobreseían los derechos de Hydro-Quebec y del gobierno de Quebec y fue otorgado un interdicto para impedir la construcción del proyecto James Bay.

Una semana después de esta decisión la Corte de Apelación de Quebec, cambió esta resolución en favor de los derechos de la sociedad de Quebec. El proyecto proseguiría. Se decidió que aunque nuestros derechos pudieran estar comprometidos por el proyecto, los intereses públicos de la sociedad del sur eran más importantes. Los daños que nos causara podían ser compensados con dinero. Nuestro sentimiento era que nadie puede comprar un modo de vida y cultura con dinero. Nosotros estábamos listos para continuar el proceso en la corte, pero vimos la necesidad de limitar los perjuicios, buscar trabajos paliativos y lograr que se reconocieran algunos derechos fundamentales. Decidimos tratar de negociar un acuerdo. Realmente no teníamos otra elección.

El Convenio de James Bay y Quebec del Norte tardó un total de dos años en ser negociado. Pensamos que con el Convenio habíamos asegurado los recursos para compensar los daños causados por el proyecto La Grande y a los cambios que seguramente resultarían para la sociedad cree por el mayor contacto con la sociedad en general. El índice del Convenio parece una constitución de un nuevo país y en gran parte ésto es lo que pretendía ser. Constituimos el Consejo Escolar Cree y tomamos el control de la educación cree, la cual había estado administrada desde Ottawa. Establecimos el Consejo Cree de Salud y Servicios Sociales y volvimos a entregar la responsabilidad de los servicios de salud de Ottawa a las comunidades cree. Aseguramos medidas especiales para la administración de la justicia y para establecer una fuerza de policía cree. Y creamos un programa que provee un ingreso garantizado, aunque bajo, para los cazadores cree. El programa los alienta a quedarse en el bosque por lo menos 125 días por año.

El Convenio prometió legislación federal para el autogobierno cree y, en 1984, nueve años después de la firma del Acuerdo, el Parlamento aprobó el Acta Cree-Naskapi (de Quebec). Esto es un reconocimiento de la soberanía cree en el área de gobierno local, está constitucionalizado, es vibrante y apoya el desarrollo de nuestras comunidades. El Convenio también establece una reglamentación especial para un estudio ambiental de proyectos futuros. Esto proveía medidas especiales para construir comunidades cree y para darnos un rol importante en el desarrollo económico del territorio. Pero estas promesas fueron hechas por el gobierno sólo para hacernos firmar el Convenio; fueron consecuentemente ignoradas y violadas por Canadá y Quebec.

Finalmente, el Convenio proporcionaba una compensación monetaria. La parte de los cree (otros 90 millones de dólares eran para los inuit del norte de Quebec) es de aproximadamente 130 millones de dólares que serán pagados a lo largo de veinte años. Este es un Fondo Patrimonial para futuras generaciones de cree.

Considerando todo lo anterior, aprobamos la finalización del Proyecto La Grande de 1975. No aprobamos ningún otro proyecto. De hecho, si bien sometimos las consecuencias ambientales a una revisión, nos reservamos la sumisión de nuestros derechos a un tal proceso. Cualquier proyecto futuro requeriría la aprobación cree. Esto es lo que de mi pueblo creía en 1975 y todavía lo hace hoy día - ningún proyecto nuevo, sin nuestro consentimiento.

Desde 1975 nosotros hemos negociado tres veces con Hydro-Quebec para permitirles hacer cambios a la propuesta del Proyecto La Grande. En cada acuerdo el principio era el mismo: "compensar y remediar los perjuicios a nuestro modo de vida y a nuestros derechos." Nosotros sólo aceptamos cambios que pudiéramos tolerar y que no destruyeran nuestro modo de vida. Hemos tenido quince años de constante lucha para tratar de obligar a Quebec y Canadá a que respeten sus compromisos en la totalidad del Convenio de James Bay. Si yo hubiera sabido en 1975 lo que sé ahora acerca del modo cómo compromisos solemnes son distorsionados e interpretados, habría rechazado firmar el Convenio. Yo habría ido a la Corte Suprema y habríamos encontrado otros modos de bloquear el proyecto - en las cortes y en el terreno.

La protección del medio ambiente en el Quebec del Norte ha sido una farsa. Las reglas establecidas en el Convenio no resultan. No ha sido bien implementado porque el gobierno provincial casi no ha invertido recursos en él. Sus representantes, por ser empleados del gobierno, siguen la línea del partido. En cuestiones ambientales causadas por el desarrollo, no se ha recurrido a una asistencia técnica independiente. No hay vistas públicas. No hay fondos para que terceras partes estudien los problemas. Además, Quebec quiere dividir el Proyecto Great Whale en partes para ser revisado, aún si las partes no pueden ser justificadas independientemente. Hydro-Quebec y el Gobierno de Quebec quieren actuar como proponentes de proyectos, como los evaluadores, como juez y jurado. Debido a la falta de consideración hacia la destrucción del medio ambiente no hay guardianes cree de caza (casi ningún guardián en absoluto) en el territorio, como se preveía en el Convenio y el modo tradicional de vida cree se encuentra en peligro de extinción.

Por parte de Canadá, no existe el proceso de protección del medio ambiente en el Convenio de James Bay. Canadá comenzó a implementar sus responsabilidades relativas al medio ambiente de la Sección 22, en 1982-1984. En 1984, los nacionalistas de Quebec que trabajan en la oficina de la Ciudad de Quebec para el Medio Ambiente del Canadá, encontraron un modo para interpretar la Sección 22, de tal manera que Canadá pudiera evitar todas sus responsabilidades. Hasta hoy día el Departamento de Justicia niega permiso al ministro del Medio Ambiente para implementar la Sección 22.

Se debían crear oportunidades de empleo para el pueblo cree, a fin de que pudiéramos llegar a ser partes íntegras del desarrollo de nuestra tierra. Excepto la estipulación de servicios institucionales como educación, salud y gobierno local, esto no ha ocurrido. Los quince años desde que se firmó el Convenio, han sido años perdidos en términos del desarrollo de programas para llevar al pueblo cree a puestos directivos y operacionales en los proyectos hidroeléctricos.

También se han cerrado al pueblo cree las posibilidades de trabajo alternativo. En el Convenio nosotros establecimos la Corporación de Desarrollo Nativo James Bay, la cual abría la puerta a actividades conjuntas

con la casa matriz, la Corporación de Desarrollo James Bay. Esto nunca sucedió. En cambio, la Corporación de Desarrollo James Bay ha adoptado un mandato racista para excluir a los cree del desarrollo regional. Ellos quieren cerrar el negocio de venta de combustible cree, llamado Cree Energy, arruinando nuestro negocio en el Aeropuerto Radisson. En sus campañas contra los cree, los empleados de las compañías tratan de reclutar hombres de negocio locales al sur del territorio cree. Algunas iniciativas comerciales exitosas cree, son llevadas a cabo a pesar de la interferencia gubernamental y sin la asistencia del gobierno.

En la silvicultura, mi pueblo ha estado tratando desde antes del acuerdo de establecer plantas de aserradero y de procesamiento de madera. En lugar de desarrollar modos de explotación forestal que sean manejados a base de un rendimiento sostenible y de un modo que sea compatible con la protección del medio ambiente y el modo de vida cree, Quebec ha otorgado ilegalmente concesiones forestales a corporaciones multinacionales. El equivalente del territorio de una familia (600 km^2), están siendo destruidos cada año por talado de vegetación en forma total. Los derechos que obtuvimos en el Convenio de James Bay y Quebec del Norte, para continuar nuestro tradicional modo de vida son una ilusión porque el medio ambiente en Quebec del noroeste está siendo destruido.

Nuestros derechos garantizados por el Convenio de James Bay y Quebec del Norte también están siendo negados de otros modos. Las reducciones de programas federales y provinciales han traído una falta de 800 viviendas. El pueblo cree de Ouje-Bougoumou todavía esta considerado como usurpador de sus propias tierras por Quebec y Canadá, ya que el primer ministro de Canadá Brian Mulroney no ha cumplido lo que dijo que haría, al escribir en 1985 y reconocer aquella gente como un Grupo del "Acta Cree-Naskapi". Tres comunidades cree aún no disponen de las rutas de acceso que estaban prometidas por el Convenio. Tampoco los poderes de la Comisión Cree Escolar han sido totalmente implementados. La lista es interminable.

En el día de hoy, Quebec anuncia que seguirá adelante con otro importante proyecto hidroeléctrico en James Bay II, primero el Proyecto Great Whale River y en un plazo de dos años el Proyecto Nottaway-Broadback-Rupert. Pero antes de examinar el impacto potencial de este proyecto, es útil observar los efectos revelados por el proyecto La Grande. En este momento, nosotros no tenemos idea de cuál es el grado de las consecuencias de James Bay I.

Sabemos que nuestro pueblo no puede comer cierta especie de peces porque ellos están contaminados con mercurio. Sabemos que hay menos y menos gansos cada año. Sabemos que pesqueros enteros han sido aniquilados y las regiones de caza, pesca, y caza con trampas han sido severamente reducidas. Sabemos que 40.000 personas no nativas usan cada año la infraestructura hidroeléctrica para cazar y pescar en la región, sin controles. Sabemos que ha tenido repercusión en la fauna de la región y en la Bahía de James y la de Hudson.

Hydro-Quebec ha cuidadosamente impedido a especialistas públicos del medio ambiente y a otros científicos estudiar el impacto total del proyecto La Grande. ¿Cómo pueden construir otro proyecto, cortar más árboles e inundar más tierra sin saber ésto? Conocemos acerca de la destrucción de los bosques del Amazonas, pero ¿qué pasa con la destrucción de los bosques del Quebec del norte? Bourassa dice que él continuará con James Bay II. Dice que él no necesita el consentimiento cree para destruir nuestros ríos e inundar nuestra tierra. Pero él se equivoca. El consentimiento cree se requiere y nosotros queremos el cese de estos proyectos.

En el Proyecto del Río Great Whale, el Primer Ministro Bourassa intenta inundar las tierras de la cuenca del río Great Whale, la cuenca de Nastapoca, la cuenca del río Coates, la cuenca del río Boutin y la cuenca del río Little Whale con el fin de producir unos 3.000 megawatts de electricidad para ser exportada a los Estados Unidos. Cada uno de estos ríos están poblados de abundantes peces y cada uno de ellos contribuye a la ecología de la Bahía de Hudson, la cual contiene multitudes de ballenas beluga, focas, osos polares y umbra ártica. Así como también las raras focas de agua dulce en el interior del país que dependen de estas aguas. La inundación del lago Bienville para convertirlo en el embalse principal de este proyecto destruirá importantes tierras húmedas y arruinará terrenos para la reproducción del caribou. Además esto liberará mercurio en el medio ambiente lo que después de muchos años, contaminará los peces que quedan, la población de mamíferos y de aves de la zona de embalse.

El proyecto Nottaway-Broadback-Rupert, el segundo más importante complejo después de río Great Whale, producirá 9.000 megawatts de energía cuando las 10 plantas de energía propuestas sean completadas. Como el proyecto río Great Whale, estas plantas de energía operarán para abastecer la demanda de electricidad en el Sur. Reemplazará el ciclo natural vaciando los embalses en el invierno y volviéndolos a llenar durante el verano. Los ríos Nottaway y Rupert serán desviados hacia el sistema del río Broadback, al actual canal del bajo Brosadback donde se ubicarán en su mayor parte las plantas de energía. La corriente de agua en el bajo Brosadback será en el invierno, diez a veinte veces mayor que la corriente natural actual. El plan es construir primero las plantas de energía del curso superior del río y construir otras en el curso inferior de acuerdo a los requerimientos.

En unos cuantos años, este aumento de corriente se llevará parte del canal del bajo Broadback. La profundidad del embalse fluctuará anualmente entre seis y más de dieciocho metros, y como los embalses son bajos esto dejará vastas franjas de barro alrededor de cada embalse. El impacto de este proyecto será devastador. Muchas familias cree perderán la parte más productiva de sus zonas de caza, pesca y caza con trampas. Debido a que el proyecto Nottaway-Broadbac-Rupert debe ser construido en zonas de bosques de baja altitud y en delicados sistemas ambientales de tierras húmedas, el proyecto contaminará a los peces de aquellos embalses con mercurio, a niveles aún no vistos en Quebec del Norte.

Las cuencas de estos ríos forman un intrincado y complejo molde de sistemas ambientales húmedos y de pequeños lagos. Ellos son los principales terrenos para nidos de patos, garzas y toda las otras aves acuáticas migratorias que vienen a nuestra región del norte cada primavera. El vertir cuarenta kilómetros cúbicos de agua dulce en la Bahía de James y en la Bahía de Rupert cada invierno, tendrá una repercusión negativa en las poblaciones de trucha, cisco y de corégono así como en los gansos de nieve que utilizan la Bahía de Rupert como zona de escala durante su migración.

Para las comunidades cree, las consecuencias locales además de los problemas sociales y de los daños al modo de vida, caza, y caza con trampa, significará la pérdida del suministro de agua a la comunidad, contaminación de corrientes locales de agua, problemas de erosión y sedimentación y riesgos para el transporte. Mi comunidad, Waskaganish, será muy afectada por este proyecto. Nuestra propia existencia está en juego.

Además de todo esto, estos proyectos no producen energía limpia desde un punto de vista atmosférico. Los proyectos permitirán a Quebec y al noreste de Estados Unidos, eludir la implementación de la conservación de energía tal cómo se recomendó en la

Comisión Brundtland. Además la vegetación podrida de esos proyectos producirá emanaciones de 100 millones de toneladas de anhídrido carbónico y de metano en la atmósfera, contribuyendo enormemente al efecto de invernadero. Importantes líneas de transmisión de energía tendrán que ser construidas a través de nuestra región, así como también de zonas habitadas en Quebec del sur y Estados Unidos.

El crimen real de estos proyectos hidroeléctricos propuestos es que no se necesitan y existen inversiones mucho mejores, más asequibles para la gente de Quebec. Es sólo, a causa de unos pocos partidos interesados, incluyendo el Primer Ministro Bourassa, que los proyectos son en realidad propuestos. Hydro-Quebec no es una compañía públicamente regulada, aunque es una compañía pública y tiene todos sus deudas respaldadas por los contribuyentes de Quebec. Hydro-Quebec propone gastar 62 mil millones de dólares en mega proyectos y trabajos afines en los diez próximos años. Esto es aproximadamente dos veces el nivel de gastos propuesto por Ontario Hydro.

En Brasil, los desarrollistas discuten que el enorme aumento de la población en el próximo siglo, necesitará la energía que ellos esperan obtener al inundar partes de la Cuenca Amazónica. En Quebec, se espera que la población comience a declinar hacia el año 2006. Quebec usa actualmente, la misma cantidad de electricidad que el estado de Nueva York, aún cuando tiene cerca de un tercio de la población de ese estado. A pesar de todo, Hydro Quebec está alentando realmente a los consumidores de la provincia a usar más electricidad.

Para incrementar la demanda de modo que sus proyectos puedan ser racionalizados al público, Hydro-Quebec ha agresivamente promovido la electricidad en los Estados Unidos y tiene acuerdos a largo plazo que todavía no han sido aprobados por consejos reguladores, de por lo menos 2.000 megawatts de energía. Por otra parte, Hydro-Quebec vende electricidad a bastante menor costo a las fundiciones de aluminio, las cuales, incidentalmente, han sido exentas por Quebec y Canadá de una inspección ambiental. En 1984 cuando el primer ministro Bourassa fue reelegido, Hydro-Quebec vendía lo que llamaba "electricidad excedente" a los Estados Unidos a bajos precios de ganga. Esto no era electricidad excedente; era la reserva de seguridad de energía, como agua acumulada en los embalses. Los embalses están actualmente un 25%-40% por debajo de su capacidad.

La alternativa para Quebec costará menos que sus mega proyectos. Si Quebec cancelara sus contratos con los Estados Unidos (igualmente perderá dinero con ellos) e implementara energía renovable, más empleos serían creados y ocho ríos serían salvados. Ocho mil megawatts de fuerza pueden ser obtenidos a través de energía renovable. Si son desarrolladas nuevas tecnologías que usen el sol, viento y quizás fusión, es probable que las pirámides de cemento y grava en Quebec del Norte serán monumentos al abuso que el hombre del siglo XX ha amontonado en el medio ambiente.

Una cuestión principal relacionada a ésto se refiere al financiamiento de estos proyectos, proveniente de América del Norte, Asia y Europa. Cualquier banco, fondo, de obligaciones, casa de corretaje o grupo de inversión que desee invertir en los proyectos hidroeléctricos futuros de Hydro-Quebec, deberían mirar la situación global antes de hacer compromisos. Las consecuencias de estos proyectos en el medio ambiente son razón suficiente para preocuparse. Los inversionistas estarían apoyando mega proyectos, que causarán serios daños al medio ambiente. Deberán asumir las consecuencias.

El poder de Hydro-Quebec también está en duda. Sus obligaciones están garantizadas por el Gobierno de Quebec, el cual de hecho está directamente involucrado en el financiamiento de estos proyectos. Los inversionistas deberían ser advertidos de que los cree han iniciado procesos legales en Quebec y en los Estados Unidos para impedir la construcción de los proyectos o por lo menos retrasarlos substancialmente. Antes de tomarse una decisión para invertir, debería haber una clara revisión de estos procedimientos legales, de lo estipulado en el Convenio de James Bay y Quebec del Norte y de las posibilidades que los cree y los habitantes de Quebec poseen para bloquear los proyectos. Los inversionistas de Hydro-Quebec harían bien en examinar quién realmente es dueño de Quebec del Norte: los cree, Canadá o Quebec. Los inversionistas potenciales no deben subestimarnos.

Sesenta y cinco por ciento del pueblo cree tienen menos de veinte y cinco años de edad. Esa gente se da cuenta que el desarrollo hidroeléctrico no favorece la integridad a largo plazo de nuestro modo de vida. Ellos saben que la silvicultura debe ser controlada por el pueblo cree si va a ser compatible con la caza cree. Estos jóvenes son los mismos que están siendo arrancados de sus tierras, expulsados de sus terrenos de caza familiares. Ellos son los que se levantarán para proteger los derechos cree.

Ellos no serán una generación perdida. Ellos ven los enfrentamientos de Kanesatake (Oka), Kahnawake, Akwasasne, Lubicon Lake, Restigouche, Rapid Lake *y con los* inuit *de Labrador, los indios de Columbia Británica y los* algonquins *de Quebec del Norte. Y ellos se dan cuenta de que si el pueblo nativo de Canadá quiere protegerse y fomentar su modo de vida, tendrán que hacerlo ellos mismos.*

Las reacciones nativas actuales a la inacción gubernamental proviene de años de frustración, racismo y negligencia. Las similitudes con lo que está pasando en Africa del Sur y Europa del Este y lo que está pasando al pueblo nativo de Canadá no son exageradas. Canadá tiene una especie de racismo y apartheid institucional que es una vergüenza para esa nación y para las naciones del mundo. La intifada *en Canadá del pueblo nativo no es un evento aislado. Esta es la última generación de nativos que aceptará la indignidad de que sus derechos sean ignorados, su cultura destruida y sus derechos humanos perdidos.*

Siendo Gran Jefe en 1975, Billy Diamond fue el principal signatario cree del Convenio de James Bay y Quebec del Norte. Fue en el pasado líder de la Autoridad Regional Cree y del Consejo Escolar Cree, hoy en día es presidente de Air Creebec.

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Autodesarrollo Indigena en las Americas

Actas del
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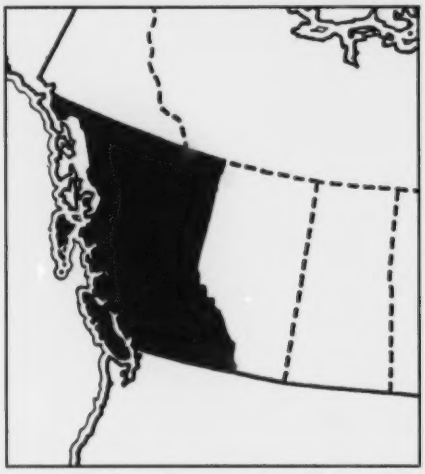
Extinción de Derechos Territoriales:

La Demanda de Tierras de los Gitksan-Wet'suwet'en en Columbia Británica, Canadá



COLUMBIA BRITANICA, Canadá Occidental

Introducción

En octubre de 1984, cincuenta y cuatro jefes hereditarios de la nación *gitksan-wet'suwet'en* se presentaron a la Corte Suprema de Columbia Británica, demandando la propiedad de 57.000 km² de territorio tradicional en la Columbia Británica del Noroeste.

Veinticuatro de los jefes han muerto desde entonces.

Esta demanda y fallo se prolongaron durante casi cuatro años y con un costo de 25.000.000 de dólares, la reivindicación de tierra más larga y cara, en la historia colonial de Canadá. Fue también una de las más importantes.

Los *gitksan* reclamaban rentas provenientes de la ocupación de la tierra durante miles de años. Su argumento es el mismo que el de los nativos canadienses en todas partes como también lo es su demanda de autogobierno.

La vista judicial comenzó en 1987 y el fallo del Juez Supremo de Columbia Británica, Allan McEachern, fue dictado el 18 de marzo de 1991.

Antecedentes

El primer Gobernador de la colonia de la Isla de Vancouver fue James Douglas, quién fue elegido para ese puesto en 1851. El llegó a ser gobernador de la colonia de tierra firme en 1858.

Los colonos y exploradores garantizaron la soberanía británica de la región, por el año 1858. La provincia estaba entonces ocupada por un número entre 25.000 y 40.000 indios y 5.000 no-nativos. La política de Douglas era reivindicar toda la tierra excepto las regiones utilizadas como aldeas indias. También se les dio el derecho de continuar con el uso de otras tierras para caza y pesca. El gobierno federal reconoció en aquel tiempo las peticiones aborígenes en otras provincias y reservó territorios para los indios. Columbia Británica se negó y alentó a los indios a asimilarse.

Lord Dufferin, gobernador general de Canadá escribió en 1874 que el gobierno de C.B. evidentemente se había comportado muy mal. "Ellos deberían naturalmente demandar la extinción del título indio antes de asumir posesión de las tierras... pero la verdad es que C.B. es apenas una comunidad lo suficientemente grande como para haber ya desarrollado una conciencia."

Desde el principio, la decisión en este caso iba a tener el impacto más grande en Columbia Británica. Existían dos razones para esto. Primeramente, no hay virtualmente tratados con los indios en C.B., y segundo, las reivindicaciones de tierra más extensas se encuentran en esta provincia. Pero, iba a tener también serias implicaciones para todos los indios de Canadá ya que el punto central en este caso era la prueba y el alcance de los derechos aborígenes y la extinción de sus derechos sobre la tierra. La extinción o eliminación de los derechos aborígenes ha sido el asunto esencial en todas las extensas demandas, incluyendo la de los *gitksan* y de los *wet'suwet'en*.

En 1989, la Corte Suprema de Canadá había sostenido en el caso *Sparrow* que la Corona debía haber tenido "claras y evidentes" intenciones de extinguir los derechos aborígenes cuando firmó tratados con los nativos.

Los indios de C.B. interpretaron que al parecer sus derechos no se habían extinguido puesto que ellos tenían pocos tratados. La mayoría no firmó tratados y nunca han sido conquistados por la fuerza de las armas. Ellos ocuparon su tierra antes de la llegada de los europeos; ellos estaban ocupándola cuando llegaron los invasores en los años 1850 y ahora ellos todavía viven en estas mismas tierras.

Ellos dicen que Dios les dio una parte de lo que ahora es Columbia Británica, en el comienzo de los tiempos. Sostienen que sus antepasados vivían, poseían y controlaban el territorio y que ellos todavía tienen un derecho legal para gobernarlo. Ellos querían reconocimiento de su jurisdicción política sobre la tierra, ahora "poseída" por la provincia y pago de indemnización por la tierra ocupada privadamente. Ellos también quieren el derecho a terminar toda explotación forestal, minera y otros arriendos en tierra de la Corona.

La decisión de la Corte

El Juez Supremo Allan McEachern dictaminó que los *gitksan - wet'suwet'en* no tienen derecho de posesión de la tierra ni jurisdicción sobre el territorio en que ellos viven.

Sin embargo, dijo él, ellos tienen un derecho legal, sujeto a leyes provinciales, de usar tierra de la Corona no ocupada o vacante del territorio "para propósitos de sustento aborigen".

Llegando a estas conclusiones la corte aceptó todos los argumentos del gobierno, siendo la consecuencia que esto libraría a las cortes de interdictos y de casos concernientes a título aborígenes.

McEachern dictaminó que la ley de las naciones y la ley común reconoce la soberanía de las naciones europeas que establecieron colonias en Norte América. En 1858, Gran Bretaña había afirmado soberanía en el territorio y el título de la tierra de la provincia fue concedido a Gran

Bretaña.

Los intereses aborígenes en ese tiempo consistían en el derecho de vivir en sus aldeas y en ocupar las tierras con la finalidad de recolectar productos de la tierra y de las aguas con fines de subsistencia y ceremoniales, dijo él. Los intereses aborígenes no incluían posesión de la tierra ni jurisdicción sobre el territorio.

"Es la ley", dictaminó también el juez, "que los derechos aborígenes existen a *voluntad de la Corona* y ellos pueden ser suprimidos cuando la intención de la Corona para hacerlo sea clara y evidente."

Los decretos coloniales previos a la confederación, interpretados en su marco histórico, muestran una clara intención de suprimir los intereses aborígenes para dar títulos a los colonos, dijo él.

El reconoció en la introducción de su juicio, que el caso era un "proceso político", tanto como un caso sobre tierra y jurisdicción.

Su decisión no resolverá "las verdaderas cuestiones" que existen entre el pueblo aborigen y los gobiernos, "pero este caso es por último un paso importante en esa dirección."

El juez escribió en su fallo de 394 páginas que el pueblo aborigen sinceramente cree que ellos tienen un derecho legal par gobernar la tierra debido a su largo uso de la tierra y de su resentida espera para que sus intereses aborígenes fueran resueltos, mientras no-nativos adquieren título y explotan sus recursos.

No obstante, las cortes de leyes no pueden responder a consideraciones subjetivas, escribió. "Nuestras Cortes son cortes de ley que trabajan bajo disciplinas que no siempre permiten a los jueces hacer lo que ellos pudieran pensar (o sentir) subjetivamente que sea lo correcto o justo hacer en un determinado caso. Tampoco pueden los jueces imponer soluciones no legales políticamente sensibles a los partidos. Esto es lo que las Asambleas Legislativas hacen y los jueces deberían dejar tales asuntos a ellas."

"En cambio los casos deben ser decididos con evidencia admisible, de acuerdo a la ley. La Corte no es libre para hacer lo que desee. Los jueces como todos los demás siguen la ley como ellos la entienden."

La corte debe decidir este caso sólo de acuerdo a lo que los grupos aborígenes llaman "la ley del hombre blanco," dijo él.

Mc Eachern concluyó que los derechos aborígenes existen "a voluntad de la Corona" y fueron extinguidos aún antes que la provincia entrara a la Confederación en 1871.

Desde la Confederación, la provincia ha tenido "*título del suelo de la provincia*" y el derecho de disponer de tierras de la corona "sin gravamen por título aborigen", escribió él.

En una desviación importante del resto del juicio, el juez supremo reservó las últimas palabras para él mismo, en un franco discurso tanto para líderes indios como gubernamentales.

El recomendó serias negociaciones políticas como la única solución.

"Los partidos se han concentrado por un tiempo demasiado largo, en asuntos legales y constitucionales tales como propiedad, soberanía y "derechos", los cuales son conceptos legales fascinantes" escribió el juez.

McEachern dijo que el esperaba que su juicio sea apelado. "Después de la última apelación, sin embargo, los problemas restantes no serán legales", advirtió él. "Más bien, ellos continuarán siendo lo que ellos siempre han sido, problemas sociales y económicos."

Pareciera decirles en realidad, que crezcan y consigan un trabajo . "Los indios han sido dependiente durante demasiado tiempo" escribió.

Condenó las reservas, por proporcionar a los indios nada más que "establecimientos de pesca y enclaves étnicos." Admitió que muchas de las reservas concedidas eran minúsculas y nunca podrían proveer una base económica, pero agregó con curioso repudio "no se gana nada con tratar de atribuir culpa por ésto."

Agrandar las reservas ahora, no sería en beneficio de nadie, concluyó él. "Finalmente los indios deben decidir como pueden ellos combinar mejor las ventajas que las reservas les ofrecen con las oportunidades que ellos tienen para compartir y participar en la economía más global, pero es obvio que ellos deben encontrar su camino fuera de las reservas."

McEachern dijo que los nativos no encontrarán una solución a sus problemas en las cortes y deben negociar con los gobiernos federales y provinciales. El concluyó su juicio con un alegato de que la sala de justicia no es el lugar para encontrar el "nuevo acuerdo inteligente" que indios y gobiernos federales y provinciales deben concertar

"Es mi conclusión... que las dificultades que afrontan las poblaciones indias del territorio y probablemente de todo Canadá, no serán resueltas en el contexto de los derechos legales."

McEachern sostuvo que la policía terrestre de C.B. no interfirió seriamente con el uso de la tierra en el territorio demandado por los *gitksan* y los *wet'suwet'en*. De todos modos, la tierra raramente podía proveer a los indios con algo más que una existencia primitiva y ellos voluntariamente emigraron de ella.

"La introducción del alcohol, epidemias desastrosas y oportunidades económicas limitadas no resultaron de la falta de acceso a la tierra," agregó él. Excepto en algunas instancias específicas, la interferencia con el usos aborigen de la tierra no fue la causa principal de la desgracia india. "No creo que la falta de acceso a la tierra aborigen haya seriamente dañado la identidad de esos pueblos."

El Juez Supremo McEachern tuvo que tratar con el caso *Sparrow* y ajustarlo a su propio caso. Esto lo hizo al decir que los gobernantes británicos antes de la Confederación simplemente asumieron que los nativos no tenían derechos y actuaban en conformidad. Por eso, sin nunca dictar un estatuto o ley, ellos extinguieron esos derechos.

"Las promulgaciones coloniales de la pre-Confederación, construidas en su marco histórico, muestran una clara y evidente intención de extinguir los intereses aborígenes para dar título sin gravamen a los colonos...," concluyó él.

Sin usar las palabras, dio su autoridad legal al concepto de "extinción implícita", un concepto amargamente recusado por líderes nativos de todo Canadá. Juicios previos sobre derechos nativos se habían basado en el concepto de extinción implícita, pero juicios más recientes se habían estado apartando de ésto.

Basándose en precedentes coloniales, McEachern se expuso, él mismo y a las cortes a las acusaciones de una mentalidad colonial. Las suposiciones y acciones de aquellos que comenzaron la colonización de C.B. en los años 1850, cualquiera sea el precedente que ellos crearon en la ley, no pueden guiar decisiones políticas hoy día. Del mismo modo tampoco deberían estar permitidas en la ley.

Las consecuencias

Ha habido una extensa condena del fallo de McEachern sobre la creencia de los pueblos *gitksan* y *wet'suwet'en*, que Dios les dio un pedazo de la Columbia Británica en el comienzo de los tiempos. McEachern concluyó recientemente que "no existe evidencia para apoyar una tal teoría y muchas buenas razones para dudarla."

Su conclusión pide a gritos una discusión de la naturaleza de la evidencia para comprobar los misteriosos modos de Dios. El aplicar áridos precedentes legales a la teo-

logía, es una noción que produce un tono discordante al comienzo de su fallo de 94-páginas sobre la reivindicación de tierra aborigen.

Y resuena en todo sus motivos de juicio: que rechaza historias tribales como los mitos, ofrece sus teorías acerca de las raíces del alcoholismo y pobreza entre pueblos nativos e insiste que la principal causa de la desgracia india consiste en las dificultades de adaptación a circunstancias cambiantes.

"El no es un buen historiador" dice Paul Tennant, un profesor de ciencias políticas de la Universidad de Columbia Británica y el autor del autorizado libro *Pueblos Aborígenes y Políticas*. El profesor Tennant manifiesta que el juez adopta la perspectiva no-india corriente. Es decir, los comentarios no son racistas pero están insertos en la perspectiva cultural del hombre blanco.

El profesor Tennant dice que el juez esta rechazando la identidad india al rechazar las demandas aborígenes. Su descripción de la vida nativa refleja la visión de un hombre blanco, que C.B. era una tierra vacía sin ley ni sociedad, que la civilización llegó cuando la bandera británica fue izada en su asta. La noción d soberanía británica es otro más de los mitos culturales, sostiene el profesor Tennant. "Depende de cómo uno mire a la gente fuera de su propio grupo." El también sugirió que las opiniones del juez para ayudar a resolver los problemas que enfrentan los indios pueden, en realidad, llevar a la confusión.

En los últimos 20 años, los grupos nativos han hecho progresos en aseverar sus derechos aborígenes presentándose a las cortes. Aconsejándoles abandonar sus derechos legales, el profesor Tennant manifiesta que el juez les está indicando recurrir al crudo poder político. La política del gobierno será entonces determinada como un resultado de bloqueos y protestas.

El fallo de la Corte Suprema de C.B. contra los indios *gitksan-wet'suwet'en* desalienta al pueblo aborigen y puede provocar nuevas confrontaciones, replica un abogado del grupo *lubicon lake*.

"Es un mensaje muy desalentador. Ciertamente refuerza muy fuertemente las opiniones de muchos pueblos aborígenes en Canadá de que no se pueda obtener un justo resultado en las cortes." dijo James O'Reilly.

"El pueblo *lubicon* se ve confirmado en su creencia de que sería muy difícil obtener justicia en el sistema legal canadiense," expresó O'Reilly.

El fallo continua rechazando las preocupaciones nativas acerca de sus derechos aborígenes y de tratado, dijo él.

"Las cosas han sido dejadas de lado más y más, pero nunca van a desaparecer. Yo no se donde irá a estallar, pero explotará," dijo él.

"Lo peor es que a nadie le importa," dijo O'Reilly.

El fallo de Allan McEachern de la Corte Suprema de Justicia de C.B., está basado en principios "racistas" de que los derechos indios son inferiores a aquellos del blanco."

Sin embargo, la sociedad canadiense acepta que los derechos *gitksan-wet-suwet-en* fueran extinguidos simplemente por leyes dictadas en C.B. entre 1858 y 1871 por una sociedad blanca sumando cerca de 5.000 personas.

Los blancos ni siquiera se establecieron en los territorios indios hasta el siglo XX.

Esto significa aplicar normas y principios al piel roja que ellos nunca habrían aplicado a europeos.

"Yo llamo esto discriminación racial," dijo él.

Harold Cardinal, de la Universidad de Saskatchewan, profesor de Estudios Nativos y anterior Presidente de la Asociación India de Alberta, también dijo que el cuestionamiento de McEachern, sobre la sociedad nativa y la creencia en Dios estaba apuntalado por suposiciones racistas.

"Yo pienso que el único modo como esto puede ser calificado, es que es una suposición clásica racista que refleja una opinión institucionalizada sobre el pueblo indio," dijo Cardinal.

Asombrados líderes indios condenaron el fallo como racista, brutal y precursor potencial de una confrontación violenta.

Esta indignación es causada, no sólo por el fallo de McEachern que revoca una tendencia reciente de la Corte Suprema de Canadá de ensanchar y definir los derechos aborígenes. Pero también existe una sensación de traición, causada por una cruda declaración que McEachern agregó al fallo.

Sólo profundiza la desilusión el hecho de que este juicio venga de un juez que utilizó miles de horas, conduciendo por los caminos secundarios "de esta hermosa, amplia y casi vacía" región, escuchando la historia oral india y la leyenda, así como también el testimonio de jefes y ancianos.

Bob Skelly, crítico de asuntos aborígenes y un miembro parlamentario de Columbia Británica, advierte que "como resultado de una decisión anacrónica muy etnocéntrica, la Corte Suprema de C.B. ha perdido credibilidad ante los nativos que buscan alternativas. Los llevará a otras acciones que no son tan satisfactorias."

Mereredi dice que si no se encuentra justicia en las cortes canadienses, los nativos acudirán a las cortes internacionales en búsqueda de ayuda.

Y, promete, habrá más malestar en todo el país.

La *Nación India del Lago Lubicon* dijo: "Este fallo puede ser justamente caracterizado tanto de racista como de estúpido; estúpido porque cierra la puerta al recurso legal del pueblo aborigen dejándoles sólo con medios extralegales, para proteger sus tierras y sus derechos; racista y estúpido ya que fundamenta la legitimidad de la nación canadiense burdamente en una denegación racista de los derechos humanos y por consiguiente, la humanidad del pueblo aborigen de Canadá.

El Juez Supremo de C.B. sostiene que la la Corona Británica en este caso simplemente asumió que la población aborigen indígena no tenía ningún derecho sobre que preocuparse y procedió de acuerdo con ésto, "exhibiendo" en el proceso "una clara y evidente intención de extinguir los intereses aborígenes para dar títulos libres de gravamen a colonos (británicos)".

Lo que el Juez Supremo de C.B. está ineludiblemente diciendo es que, la Corona Británica no consideraba que el pueblo aborigen de lo que ahora es Columbia Británica, tenía derechos humanos iguales a los europeos occidentales, con quienes los británicos podían estar en desacuerdo e incluso en guerra, pero quienes eran por último reconocidos como seres humanos comparables que poseían los mismos derechos humanos o similares, o incluso los mismos "derechos" que otros pueblos aborígenes con los cuales la Corona Británica por último "negociaba" tratados.

El racismo de la colonización europea occidental de Norte América, tan horrible

Territorios
GITKSAN-WET'SUWET'EN

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como cualquiera practicado en la historia de la humanidad - incluyendo el holocausto en Alemania bajo los nazis - existe solapadamente. Sin embargo, no existe ninguna reglas de lógica conocida que diga que la ignorancia racista de los derechos humanos del pueblo aborigen constituye una clara intención de extinguir aquellos derechos. Sino más bien lo que sucede, es que aquellos derechos de tierra aborigen continúan existiendo, incluso bajo la ley canadiense, sin importar lo molesto que puedan ser, para ciertos intereses en la sociedad canadiense.

Por último, ciertamente es un concepto increíble que el Juez Supremo de C.B. tratara en 1991 de fundamentar la legitimación de la jurisdicción del gobierno de Canadá sobre aquellas tierras y recursos, en una negación obviamente racista de los derechos humanos y consecuentemente de la humanidad del pueblo aborigen de Canadá. Si no se puede brindar un fundamento más aceptable que éste para el continuo dominio de Canadá sobre esas tierras y recursos, Canadá merece las consecuencias que casi inevitablemente seguirán.

Conclusión

De los pocos informes que hemos podido obtener acerca de esta disputa está claro que el fallo no ha tranquilizado, a través de interpretación legal, una situación ya difícil. Como la querella *mohawk* en Quebec mostró el año pasado, los indios canadienses están nuevamente hablando de acciones extralegales para atraer atención a sus demandas. En las retumbantes protestas de 1990, la acción en un rincón de Canadá fue rápidamente aprovechada por los indios canadienses, en otro.

Es probable que ésto ocurra nuevamente.

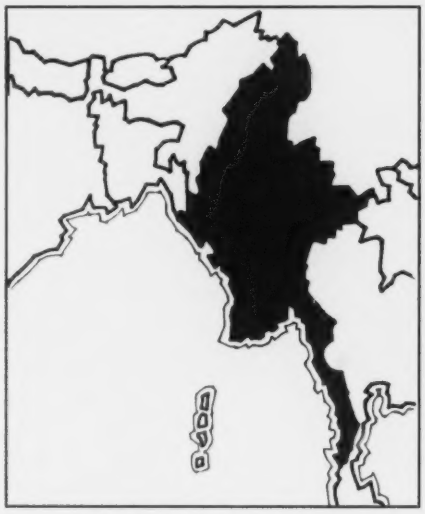
Esta es una traducción del artículo aparecido en ACTION ALERT, publicación del Pacific Concerns Resource Center, secretariado del Movimiento por un Pacífico Independiente y Libre de Armas Nucleares, con oficinas en Auckland, Aoetaroa y Sydney, Australia. ❑

Vista de Columbia Británica. Foto: Jørgen Brøchner Jørgensen.

Birmania: Graves Violaciones de los Derechos Humanos.

Intervención Oral del Grupo Internacional para Asuntos indígenas frente a la Comisión de Derechos Humanos de la O.N.U.

Por: Maung Kyin Zaw



BIRMANIA, Asia Oriental

Señor Presidente:

La Comisión sobre los Derechos Humanos examinó en su sesión de 1989 y 1990 las extendidas violaciones de los derechos humanos fundamentales en Birmania, y expresó su preocupación sobre la falta de libertad democrática en el país. La Comisión sobre Derechos Humanos exigió en su sesión 46 en 1990, que se nombrara a un experto independiente para que observara la situación de los derechos humanos en Birmania.

El pueblo birmano recibió calurosamente la tan necesitada visita de la Profesora Zarabo Ogata, experta independiente, de la Comisión de Derechos Humanos de la O.N.U., con la esperanza de que la O.N.U., pueda salvar las vidas y aminorar los sufrimientos del pueblo birmano, los cuales han estado bajo la represión de los dictadores militares desde hace casi tres décadas. No obstante, el pueblo birmano lamentó mucho la falta de oportunidad de expresar su hospitalidad a la Sra. Ogata e informarle de sus sufrimientos, ya que la visita de ésta y el trío que la acompañaba fue muy restringida por el régimen CRLOE (Consejo de Restauración de la Ley y el Orden del Estado).

A partir de la elecciones generales del 27 de mayo de 1990, la situación de los derechos humanos en Birmania ha empeorado mucho. Todo el pueblo birmano ha expresado su deseo en el mes de mayo cuando el partido de oposición, la Liga Nacional por la Democracia (LND) ganó una victoria electoral arrolladora. Sin embargo, la junta militar ha estado evadiendo el momento de transferir el poder a los representantes de la Asamblea Nacional e insiste en que primero ha de escribirse un proyecto de una nueva constitución. La junta militar estipuló que esta nueva constitución debe de ser presentada a un referéndum nacional y aprobada por el ejército. Lo cual es lo contrario a lo que prometieron antes de las elecciones, cuando indicaron que el deber de ellos era celebrar las elecciones y después de éstas no interferirían en el trámite constitucional.

La junta militar negó, con la orden 1/90, la inmediata convocación de una asamblea popular y el transferimiento del poder a los representantes del pueblo y a una formación de un gobierno por ellos. Miembros de la asamblea popular rechazaron la orden 1/90 y, de acuerdo con la "Declaración Ghandi" enviaron una petición reclamando el principio de "no violencia, correlación y el transferimiento del poder a la Asamblea Nacional en forma pacífica". En cuanto a la LND, había propuesto en muchas ocasiones celebrar un diálogo con la junta militar. Pero ésta ignoró las propuestas y en cambio ejerció presión sobre todos los partidos políticos, los cuales estaban unificados y adheridos a la Declaración Gandhi.

Más líderes políticos fueron detenidos y arrestados. Informaciones, boletines y publicaciones de partidos políticos fueron prohibidas y los capturados con publicaciones políticas fueron severamente tratados. Las oficinas municipales de la LND fueron allanadas y registradas por el ejército, la policía y el servicio militar de información. Miembros elegidos para el parlamento, organizadores políticos eran llamados para ser interrogados y algunos fueron arrestados. Según nuestras fuentes fidedignas, más de 80 miembros del parlamento fueron arbitrariamente arrestados.

Hoy, han sido encarcelados más de 4.000 ciudadanos por razones políticas. Muchos de ellos han sido detenidos sin acusación o proceso. Normalmente son sometidos a tortura física, tal como golpes, quemaduras con cigarrillos, choques eléctricos y tortura psicológica. Se ha descubierto que en Birmania la metodología de tortura ha sido relativamente constante durante muchos años. U maung Ko, un miembro ejecutivo de la LND, fue torturado hasta la muerte el pasado mes de noviembre por haber retenido información sobre una reunión celebrada por su partido.

Mítines pacíficos de estudiantes, monjes budistas y ciudadanos, exigiendo el transferimiento de mando del Estado a representantes elegidos por la gran masa, fueron brutalmente tratados. Dos monjes budistas y dos estudiantes fueron asesinados y centenares fueron heridos durante un mítin en Mandalay el 8 de agosto de 1990. Al día siguiente fueron asesinados catorce estudiantes y muchos fueron heridos en otro mítin en la ciudad de Pakoakku. Monasterios budistas en las ciudades de Alta Birmania fueron invadidos por soldados, y los monjes fueron expulsados o arrestados. Más de 400 monjes están de momento en la prisión de Mandalay. Se dio órdenes para que los edificios públicos a 16 metros a la redonda de los monasterios fueran derrumbados y los habitantes mudados a campo abierto.

Desde el mes de julio de 1989, fueron formados quince tribunales militares, que facultaron a los comandantes militares la autoridad de pronunciar condena a pena de muerte, reclusión perpetua y un mínimo de tres años de prisión con trabajos forzados, a los declarados culpables de no respetar la ley marcial y sin derecho de apelación. Estos tribunales han condenado a la pena de

muerte a más de cien personas entre las cuales veinticuatro ya han sido llevadas a cabo. Mientras el levantamiento de la ley marcial fue anunciado en algunos municipios, la notificación 8/88 y la orden marcial número 2/88, la cual prohibe terminantemente los derechos de libertad de expresión y asamblea, permanecen en vigor en todo el país.

Más de 500.000 habitantes urbanos fueron forzados a mudarse de sus casas a nuevas ciudades satélite. Estas personas han perdido sus empleos y han estado enfrentando los problemas de desempleo. Las ciudades satélite carecen de sistemas apropiados de transporte, facilidades sanitarias, electricidad y escuelas.

Mientras tanto el CRLOE ha estado escalando su guerra contra los pueblos indígenas. Los soldados entraron en aldeas indígenas, asesinaron a los aldeanos, saquearon las propiedades y registraron las aldeas. Los aldeanos incluyendo a los niños, las mujeres embarazadas, los ancianos y enfermos fueron escogidos al azar para servir a los soldados como portadores y fueron ordenados a acarrear excesivas cargas y a menudo usados como rastreadores de minas. Estaban medio muertos de hambre, maltratados y algunos fueron ejecutados. Unos 40.000 civiles huyeron de las atrocidades de los soldados y buscaron refugio temporario en Tailandia.

Otro de los tristes problemas aún en Birmania hoy son, los 3.000 estudiantes que se han refugiado a lo largo de la frontera entre Tailandia y Birmania desde el momento en que fueron ahuyentados a la frontera debido al golpe de estado en 1988. Estos estudiantes han estado enfrentando los problemas de las enfermedades, los ataques frecuentes por los soldados del CRLOE, falta de alimentos, medicina, ropa y refugio. Más de cien de estos estudiantes han muerto en los pasados dos años.

Además el pueblo Birmano también está enfrentando los peligros resultantes de la destrucción del medio ambiente y del bosque causado por el CRLOE. Arboles de madera de teca y otras especies están siendo talados y exportados a través de Tailandia sin la mínima intención de replantarlos. El beneficio conseguido por la madera, tanto como el conseguido por los recursos marinos, está siendo usado en gran parte para la compra de aviones, tanques, lanchas cañoneras costeras, armas pequeñas y grandes, con el propósito de usarlos para la represión de los movimientos democráticos y la escalada de la guerra civil del país.

Sr. Presidente:

Como conclusión me gustaría indicar que el gobierno militar de Birmania no está basado en la voluntad del pueblo como se requiere según la ley internacional. Ignorando la voluntad de todo el pueblo que fue claramente expresada en las elecciones generales, el régimen del CRLOE está violando el derecho de autodeterminación reconocido internacionalmente y el imperio de la ley, un principio fundamental reconocido por todas las naciones civilizadas.

Birmania se ha convertido en un país envuelto en la oscuridad por causa de las detenciones ilegales, las torturas, las persecuciones y las violaciones de los derechos humanos por el CRLOE. En tales situaciones les es absolutamente imposible a los representantes elegidos por el pueblo convocar una Asamblea Popular y establecer un gobierno legítimo. Por tanto, los representativos del Partido para la Democracia Nacional y representantes individuales populares han establecido el 18 de diciembre de 1990, el Gobierno de Coalición Nacional de la Unión de Birmania. El gobierno tiene el apoyo total de los movimientos nacionales indígenas. La gente dentro de Birmania, si se les da un tratamiento libre y justo, también darán su apoyo total. Como cuestión de ley internacional, el Gobierno de Coalición Nacional de la Unión de Birmania levanta la demanda de legitimidad como el único gobierno de Birmania.

Sr. Presidente:

Para poder ayudar a aliviar las condiciones que en pocas palabras hemos resumido, invocamos a la comunidad internacional a través de esta Comisión,

1. – a reconocer al legítimo Gobierno de Coalición Nacional de la Unión de Birmania.
2. – a cancelar el escaño del ilegítimo régimen del CRLOE en la O.N.U
3. – a ejercer la máxima presión política y económica sobre el régimen del CRLOE para que de esta manera

a) pongan en libertad a todos los prisioneros políticos, incluyendo al líder de LND Daw Aung San Su Kyi,
b) detengan las prohibiciones ilícitas, detenciones y otras violaciones de los derechos humanos,
c) respeten la voluntad del pueblo de Birmania, y
d) respeten la carta de la O.N.U., las Declaraciones Internacionales de Derechos Humanos y las Leyes Internacionales.

Gracias Sr. Presidente. ❑

En una aldea mon, Birmania. Foto: archivos de IWGIA.

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Chittagong Hill Tracts

Chittagong Hill Tracts (CHT) es el territorio de 12 pueblos tribales montañeses que suman unos 600.000 individuos. Está situado en el rincón suroriental de Bangladesh acuñado entre los estados hindúes de Tripura y Mizoram. Cubriendo una superficie de 5.094 millas cuadradas (13.193 km²) -10% del país- y elevándose hasta una altura de 10.000 pies (3.000 mts.) en algunos lugares, la cadena montañosa de 11 elevaciones contiene limitadas tierras cultivables en contraste con la planicie fluvial densamente poblada de Bangladesh.

Los pueblos de la montaña difieren marcadamente de la mayoría bengalí musulmana de Bangladesh. Los grupos mayores, *chakma* y *marma*, son budistas, los pueblos *tripura* son hindúes, mientras que los pueblos tribales menores como los *pankhua*, *bawn* y *mru* son cristianos. Practican una mezcla de cultivos con arado en los valles fértiles y agricultura "swidden" (agricultura de quema) en las laderas de las elevaciones, conocida como cultivos *jhum*.

Los británicos anexaron Chittagong Hill Tracts en 1860 y en 1900 aprobaron un Reglamento que mantenía al área separada de las planicies al limitar la migración y separar la administración. En 1947, Chittagong Hill Tracts pasó a formar parte de Paquistán Oriental.

Entre 1957 y 1963, el gobierno construyó una imponente represa hidroeléctrica en Kaptai que anegó 54.000 acres de tierras arables, sacándoles el 40% del terreno disponible para cultivos a los agricultores tribales. 100.000 habitantes de las montañas fueron afectados, unos pocos recibieron alguna indemnización y miles de ellos huyeron a la India. De 40 a 60.000 permanecen aún hoy en Arunachal Pradesh, siendo apátridas.

Después de la guerra de liberación de Bangladesh, los pueblos de Chittagong Hill Tracts fueron invadidos por colonos provenientes de las planicies. Entre 1979 y 1983 una política gubernamental de transmigración trajo a 400.000 colonos a las

montañas, a áreas donde no había tierras para ellos, y por lo tanto sus habitantes fueron empujados fuera de las pocas tierras que habían quedado para ellos.

Un movimiento guerrillero de los Pueblos de las Montañas, conocido como el *Shanti Bahini*, se levantó en armas contra el ejército de Bangladesh y los colonos. Los militares han usado tácticas de contra-insurgencia en contra de las guerrillas como una excusa para oprimir a los pueblos tribales. Durante más de diez años han emergido del área relatos de graves violaciones de los derechos humanos con cuestiones planteadas en las Naciones Unidas y la Organización Internacional del Trabajo.

En 1989 el gobierno de Bangladesh presentó una nueva Ley de Consejos de Distritos. Se alegó que brindaría autonomía a CHT bajo los Consejos, liderados predominantemente por pueblos tribales. Sin embargo, los ínfimos poderes de los Consejos de Distritos con relación a los asuntos importantes como los derechos territoriales y su establecimiento por la fuerza, ha desacreditado ampliamente su reivindación como organismos autónomos.

La vida no es nuestra - Informe de la Comisión de Chittagong Hill Tracts

El informe se divide en ocho secciones:

1. El prefacio explica los antecedentes del establecimiento de la Comisión, describe el itinerario y las condiciones bajo las cuales fue recogido el material.
2. La sección sobre la historia política y legal de CHT remonta los antecedentes del problema desde el período colonial británico hasta el presente. Según los informes de testigos oculares, describe los intentos de negociar una autonomía para los pueblos de CHT y el establecimiento de los Consejos de Distrito.
3. La militarización de CHT es total. El ejército controla todos los aspectos más importantes de la vida civil. La Comisión escuchó informes detallados sobre violaciones de derechos humanos - muertes, violaciones, tortura y arrestos sin juicio. Hay más de 50.000 hombres armados en CHT combatiendo una fuerza guerrillera de entre 500 y 1.000 hombres. La estrategia de contra-insurgencia consiste en reubicar toda la población, tanto tribal como colonos en aldeas de agrupamiento donde hay un estricto control de movimientos.
4. El capítulo sobre tierra y dependencia cubre tres áreas. Describe el sistema de tenencia de la tierra de CHT y documenta cómo la mayoría de la tierra arable del área es claramente titulada y en manos de los pueblos de la región. Explica cómo el programa de reasentamiento está convirtiendo a los pueblos tribales de agricultores aldeanos en trabajadores dependientes en las plantaciones, financiadas por inversores como el Banco de Desarrollo Asiático. El capítulo concluye con una descripción del desalojo de las tierras por parte de colonos bengalíes. Un caso de estudio describe la apropiación de tierras por colonos y corrobora la evidencia dada por un refugiado en Tripura con una visita a estas tierras invadidas en CHT.
5. Esta sección es una descripción detallada de proyectos de desarrollo que están teniendo lugar en CHT frecuentemente bajos los auspicios de los militares. Señala la manera en que el desarrollo es impuesto sobre los pueblos de la región a través de la Junta de Desarrollo de CHT. La deforestación se está produciendo a un ritmo creciente y una economía de plantaciones está en construcción, sin la menor idea de las consecuencias ecológicas devastantes.
6. Este capítulo examina la discriminación cultural y religiosa en contra de los pueblos de las montañas de CHT quienes, a pesar de un nivel más alto de alfabetización que en ninguna otra parte de Bangladesh, son vistos como "atrasados y perezosos" por los de afuera. Las actividades culturales están desapareciendo de la vida aldeana y convirtiéndose en objetos folclóricos de entretenimiento para visitantes. La persecución religiosa incluye conversión forzosa, la destrucción de templos (varios de los cuales visitó la Comisión) y el asesinato y tortura de monjes.
7. Esta sección examina los problemas sociales en CHT. Muestra que a pesar de que el gobierno invierte algunos recursos en salud y educación, a los pueblos de CHT no les llegan los beneficios que van predominantemente a los colonos. Los sufrimientos de las mujeres, particularmente a causa de violaciones en gran escala, ha sido destacada en este informe. El efecto de estas violaciones ha tenido repercusiones devastadoras para la sociedad de los pueblos de las montañas.
8. Las conclusiones y recomendaciones son, brevemente, las siguientes:

Conclusiones

1. CHT está bajo control militar.
2. A pesar de repetidas declaraciones militares y gubernamentales sobre que las violaciones de los derechos humanos no continuarán, los ataques por parte de los militares y los colonos bengalíes continúan.
3. La gente miente para poder funcionar en la opresiva situación en la cual se encuentran.
4. El establecimiento de colonos bengalíes de otras partes de Bangladesh ha conducido a numerosas violaciones de los derechos de propiedad de los pueblos de las montañas.
5. Hay una reorganización masiva y muy involuntaria tanto de los pueblos de las montañas como de los bengalíes en "aldeas de agrupamiento".
6. Hay una constante denigración de las características económicas, sociales y culturales de los pueblos de CHT por parte de los militares del gobierno y los colonos.
7. Hay muy serias amenazas ecológicas en CHT.
8. Han habido serios problemas con el proceso de desarrollo del nuevo sistema de Consejos de Distrito en CHT.
9. Han habido violaciones masivas de los derechos humanos de los pueblos en CHT.

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enmendadas. Debería haber también protección constitucional para cualquier gobierno autónomo futuro.

3. Violaciones de los Derechos Humanos

Este informe ha documentado en forma clara violaciones masivas de los derechos humanos en CHT que constituyen un proceso genocida. Los pueblos de las montañas han sido asesinados, mutilados, violados, torturados, puestos en prisión y privados de sus hogares y medios de subsistencia. Les han sido negados los derechos económicos, sociales y culturales. Ha existido amplia y masiva ilegalidad sobre las tierras bajo la ley de Bangladesh. La Comisión recomienda un permanente organismo de vigilancia para observar continuamente los derechos humanos en CHT.

Debería establecerse un Informante Especial de la ONU, complementado por continuas investigaciones por parte de la OIT y ONG competentes.

Citas de Testimonios brindados a la Comisión

1. Un monje budista exilado:

"Recientemente fue organizado un Festival Bonowanty cerca de Rangamati. La gente de CHT pensaba que si asistía al festival sería beneficioso para ellos. La ceremonia se llama el "Regalo de Tela Difícil" donde la gente prepara algodón, lo hila, lo tiñe y lo da al templo. Es uno de los festivales más importantes del calendario budista. Gente de Kaptai fue a la ceremonia. Veintiséis personas se encontraron con algunos soldados. Los 10 hombres fueron separados de 14 chicas y 2 mujeres. Los hombres fueron apaleados y forzados a bailar desnudos alrededor del templo budista y las mujeres fueron violadas en el bosque. Esto sucedió el 19 de octubre de 1990."

2. Un monje budista chakma:

"Soy un monje budista *chakma*. Estaba en la aldea de Boalkhali. En Boalkhali había un orfanato llamado: Barabadtya Chadtal Bouddah Anath Ashram. Era un orfanato con un templo. Había un liceo en el orfanato. Eramos 17 monjes. El 13 de junio de 1986, infiltrados bengalíes musulmanes quemaron las casas de muchos aldeanos en Dighinala Upazila con la ayuda de personal del ejército del acantonamiento más cercano en el área. El 13 y el 14 de junio estos militares de Dighinala vinieron y quemaron las casas. En la mañana del 14 de junio, muchos infiltrados quemaron casas cerca del orfanato y quemaron nuestro granero y el orfanato hasta dejar las cenizas. Después de algunos minutos vino personal del ejército y nos dijo que no tenían ningún deber de proteger el orfanato. Aldeas adyacentes fueron quemadas totalmente y teníamos miedo porque el personal del ejército nos dijo que no tenían deber de proteger el orfanato por lo que tuvimos que abandonar el orfanato ese día. Tuve que irme con los huérfanos. Comenzamos a andar a través de la jungla con los huérfanos, marchamos a través de las junglas, había 80 huérfanos. Caminé a través de la jungla con todos los monjes. Después de siete días llegamos al campamento de ayuda de Karbook y nos pusieron allí bajo protección."

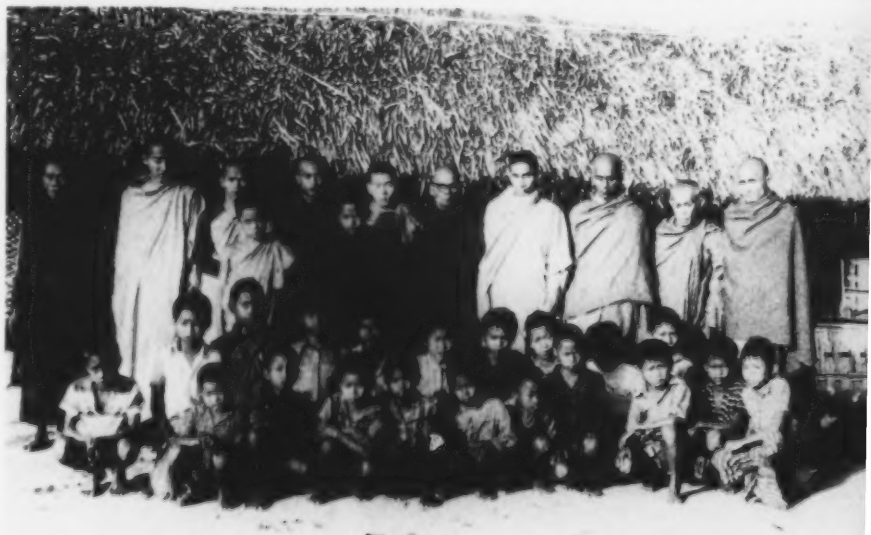
3. Una joven mujer chakma:

"Llegué a Tripura en 1988. Vi a mi padre ser golpeado con un *dao* de la misma manera que yo. También me cortaron el cabello. El incidente tuvo lugar con la ayuda del Ejército de Bangladesh y cometido en conjunto con los colonos musulmanes infiltrados. Durante el mismo incidente mi marido fue asesinado. Estábamos charlando en una terraza privada cuando los colonos vinieron y tratamos de escapar. Las casas fueron quemadas y tratamos de escapar del fuego. Todas las casas fueron quemadas y nos persiguieron y fuimos golpeados. Mi esposo fue el único que resultó muerto. Los colonos no provenían de nuestra Upazila. Llegaron a la terraza alrededor de las 11 de la mañana, el 15 de "boisah" de 1988. Atacaron y violaron a las chicas en camino a la escuela. Yo fui golpeada por un *dao* y luego violada. Seis personas me violaron. Después de ésto quedé yaciendo en el suelo y los aldeanos vinieron y me recogieron mientras estaba inconsciente. Fuimos atendidos por unos médicos *chakma* en el hospital de Khagrachari por heridas en la cabeza. Luego, como no había lugar para protegerse donde ellos, nos refugiamos en la India el 23 del mes de "zet" de 1988. Teníamos nada más que una vaca con nosotros. Toda la aldea se trasladó a Tripura y todos vinieron a Karbook (20 familias). El nombre de mi padre es Taranga Mohan Chakma y el también fue golpeado. Mi hermano se fue y desapareció."

4. Un monje exilado de Pablakhali, Dighinala, sobre los eventos de 1985:

"Ese día, lo primero que hicieron los colonos y el ejército fue rodear el templo. Yo fui capturado y mis manos fueron atadas con cuerda, lo mismo que mis piernas. Me echaron agua en la nariz. Me golpearon con botas y tajearon mi pierna. Entraron al templo y tomaron a todas las niñas. Las llevaron fuera del templo. Oí los gritos de las niñas - quizás las estaban violando pero no lo vi con mis propios ojos. Después de algunos días encontré a una de las niñas, pero al ser monje tengo algunas restricciones y no le pude preguntar qué es lo que había pasado.

El ejército comete sacrilegio en los templos. Entran con las botas y tiran la comida del templo. Todos los días antes de las 12 ofrecemos comida a Buda. Los musulmanes dicen: "¿Entonces porqué no se la come la piedra?". El ejército usa armas para romper los platos. Una vez estaba por ofrecer comida a Buda y los musulmanes



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Monjes budistas y huérfanos en el Campamento de Refugiados de Takumbari, en el sur de Tripura, India. Foto: T.B. Chakma.

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Recomendaciones:

1. Asuntos relativos a la tierra y la presencia de los colonos bengalíes.

Las autoridades en CHT aceptan ampliamente que el trasladar a 400.000 colones bengalíes a CHT fue una equivocación. A través de toda el área hay un fuerte consenso entre los pueblos de la montaña de que los colonos deberían irse. Mientras que la Comisión está de acuerdo en que el retorno de los colonos a las planicies es la solución ideal, hace las siguientes recomendaciones prácticas:

a) No debería permitirse más establecimientos de colonos en CHT;
b) Un organismo neutral y experto debe examinar la legalidad de los títulos de la tierra en CHT, particularmente donde los colonos han ilegalmente ocupado la tierra de los pueblos de la montaña;
c) Muchos colonos bengalíes son víctimas ellos mismos de la pobreza y la explotación y quieren retornar a los llanos, pero le faltan los recursos. La reubicación *voluntaria debería ser discutida* en el contexto del apoyo financiero extranjero;
d) Las aldeas de agrupamiento deberían ser desmanteladas inmediatamente;
e) Debería efectuarse una inmediata evaluación sobre el rendimiento de la tierra en CHT;
f) Los reglamentos de CHT de 1900 no deberían ser rechazados totalmente y la ley debería reconocer la autoridad de gobierno en CHT.

2. Autonomía

a) Debe comenzarse inmediatamente un proceso de desmilitarización de CHT. El efecto de ésto será permitir una democratización del área y la legalización de todos los partidos políticos proscriptos. Se debe permitir a los pueblos de CHT controlar su propio futuro.
b) Las futuras discusiones no deberían tratar de si tiene que haber autonomía en *CHT sino cuáles serían* las autoridades que ejercitarán los poderes autónomos, la extensión de los mismos y la base legal para la autonomía.
c) Los Consejos de Distrito son muy débiles en relación a asuntos de tierras, educación, sociales y culturales y muchos otros aspectos de la vida en CHT. Cualquier organismo futuro debería ser más fuerte en relación a estas cuestiones.
d) A través de CHT los pueblos prefirieron un único gobierno autónomo para la región en vez de tres Consejos de Distrito. Esto daría a la gente más fuerza al tratar con el gobierno nacional. La Comisión recomienda que debería haber un referéndum en CHT sobre autonomía, limitando la votación a los pueblos de la montaña.
e) Los procesos electorales para los Consejos de Distritos fueron fundamentalmente insatisfactorios y los mecanismos electorales deben ser mejorados.
f) Las leyes actuales de los Consejos de Distrito deberían ser rechazadas o

El presidente del campamento de Takumbari da la bienvenida a la Comisión. Foto: Andrew Gray.

entraron y dijeron "vamos a ver si la piedra puede comer", luego dijeron "la piedra no puede comer" y me quitaron el plato de las manos y lo tiraron al piso. Traen animales al templo y los carnean allí: cabras y vacas. Los budistas nunca matan animales, así que no es posible adorar en el templo después de lo que pasó. Yo fui testigo. En Pablakhali en 1985, antes del ataque, unos 35-50 personas del ejército entraron en el monasterio y 100-150 colonos quedaron afuera. Cocinaron dentro del templo y quemaron madera en el suelo de tierra y trajeron madera adentro. Mataron a los animales afuera del templo pero dentro de los límites del templo. Hicieron esto para aplastar al budismo y establecer el islam. No había razón para hacer ésto."

5. Un monje de Dighinala:

"Estaba en el templo budista de Mani Gran el 12 de junio de 1986, cuando tratábamos de celebrar una función en el templo. De repente vinieron tropas y dijeron: "¿Eh, qué están haciendo?" Contestamos: "Vamos a lavar a nuestro Dios". Los soldados dijeron: "No pueden lavar a Dios porque éste es un estado musulmán. No pueden adorar a Buda, tienen que abandonar esta religión y convertirse en musulmanes". Nos rehusamos a hacerlo. Entonces los soldados nos apresaron y ataron nuestras manos y comenzaron a tirar agua sobre nuestras cabezas. Yo era el único monje, los otros eran aldeanos, unos 20. Todos nosotros fuimos atados en pares y los soldados comenzaron a echarnos agua, y cuando no estuvieron más satisfechos con echarnos agua, empezaron a patearnos con sus botas. El agua no era sólo agua sino que estaba mezclada con ajíes verdes.

Cuando fuimos atados, nos amenazaban con bayonetas para que no nos resistiéramos. Mi piel empezó a arder y la mayoría fueron heridos como yo. Tenía cortes y llagas en mis piernas. Fuimos atados y en la tarde comenzaron a quemar las casas de la aldea que podíamos ver. Estuvimos atados desde las ocho de la mañana hasta las cuatro de la tarde, un total de ocho horas. Los soldados nos desataron. A eso de las 5 de la tarde prendieron fuego al templo y nos escondimos en la jungla. Los colonos no estaban con los soldados cuando nos ataron, pero sí cuando la aldea fue quemada. Hay un río llamado Chengi. Después de llegar al río nos escondimos en la jungla profunda. Después de 4 días de marcha a través de la jungla, llegué a la frontera de Tripuar y al campamento de Karbook. Éramos unas 450 personas. Antes del 12 de junio no hubo ningún otro incidente. La única razón del ataque fue la religión. Si nos convirtiéramos al islam estaríamos seguros. Conozco un *marma* que era mi amigo llamado Ucchmang. Lo amenazaron que si no se convertía en musulmán sufriría daños junto con sus familiares. Fue convertido a la fuerza. Provenía de otra aldea, Mahalchari en el Distrito de Khagrachari".

6. Un hombre del Distrito de Khagrachari:

"Antes de que esto sucediera, un día, 13 de nosotros fuimos al mercado. Yo todavía no era monje. Los Fusileros de Bangladesh y los colonos nos capturaron y de los 13, 9 fueron muertos y 4 escapamos. La razón fue que no éramos musulmanes; querían que nos convirtiéramos en musulmanes, que abrazáramos al islam. Sucedió en el mercado y alguna de la gente de los alrededores fue también capturada. Entre ellos estaba mi esposa. La cortaron con *daos* - algunas de las marcas de su cuello se pueden ver todavía. Ella está en Karbook (campamento de refugiados). Esto sucedió en el mismo mercado, el día de mercado, miércoles. Los otros escaparon. También trataron de cortarme con *daos* en el cuello. Afortunadamente el cuello de mi camisa era grueso y me salvé de ser muerto. Mientras que mataban a los otros gritaban: "¡Oh, *chakmas*, ¿no se quieren convertir en musulmanes? Si se rehusan los matamos ahora!"

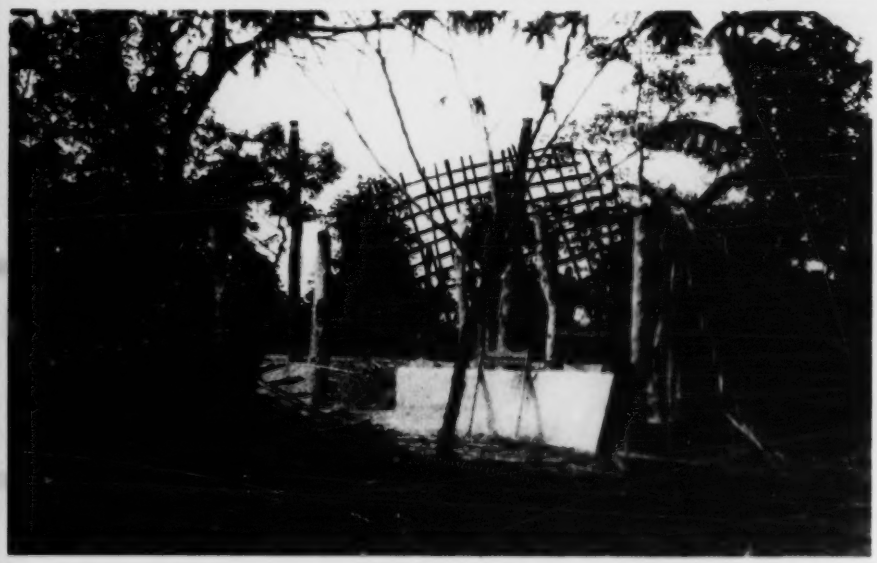
El miembro de la Comisión, Wilfred Telkämper, deposita flores en la tumba de aldeanos de CHT quemados por colonos, 4 de mayo de 1989, Longadu.
Foto: Andrew Gray.

7. Un hombre de Panchari:

"Perdí mi tierra. Los colonos vinieron y se apropiaron de mi tierra. Primero quemaron nuestras casas. Vinieron con soldados. Esto ocurrió el 1 de mayo de 1986 en Kalanal, Panchari. Mi casa estaba en una aldea con un templo. La aldea entera, de 60 casas, fue quemada. Después de ver ésto corrimos a través de la jungla y finalmente llegamos a la India, al campamento de Karbook".

8. Un nuevo arribo a los campamentos en noviembre de 1990:

"Los colonos musulmanes querían llevarnos a nosotros, los aldeanos, a una aldea de agrupamiento, pero nos rehusamos. Los aldeanos fueron golpeados por los colonos musulmanes. Tres familias lograron escapar, una de ellas es la mía. Estas tres familias vinieron a Kheddarachara por los cultivos *jhum*. Nos quedamos allí durante un año y medio. Anteayer los colonos musulmanes llegaron a la misma aldea y rodearon las



Una de las tantas casas destruidas por el ejército y los colonos.
Foto: Andrew Gray.

casas. Los colonos estaban acompañados por soldados de Bangladesh. Me refugié en una letrina cercana cuando los aldeanos fueron rodeados. Más tarde traté de dejar la letrina para irme a otro lado. La aldea estaba rodeada. Cuando trataba de escapar, los colonos musulmanes me dispararon. Vi a un colono que tenía un arma y me disparó. Era un arma de un sólo disparo. El incidente ocurrió temprano en la mañana, alrededor de las 6. Después de haber sido herido de bala, me escapé a un lugar seguro. No sé lo que pasó con los otros aldeanos. Me alejé del lugar una media milla. Luego caí y perdí la conciencia. Dos refugiados fueron allí a recoger verduras indígenas y me trajeron al campamento a eso de las 10. Fui atacado dos veces para ser llevado a aldeas de agrupamiento, la segunda vez fui baleado."

9. Una mujer que escapó de un ataque en su aldea:

"Yo estuve en la jungla durante 3 meses y quisiera explicar más sobre ésto. Busqué refugio en la jungla el 30 de mayo, junto con mi amigo. Construimos una pequeña choza en la jungla que está muy cerca de nuestra aldea. Acostumbrábamos a juntar frutas y materiales de los aldeanos. Cuando no nos era posible recoger, pasábamos hambre y a veces tomamos patatas silvestres y comimos frutas silvestres, etc... Durante ese período los colonos musulmanes y el ejército de Bangladesh nos estaban buscando. Nos introducíamos más adentro en la densa selva. Nos cambiábamos dos o tres veces en una semana. A pesar de que no encontramos otros *chakma* refugiados en la selva, oí de muchos que lo habían hecho."

Gautam Dewan, Presidente del Consejo del Distrito de Rangamati:

"En CHT el problema de tierras es el problema más importante. Tenemos una crisis de tierras a causa de la represa y de los colonos."

Comentarista político bengalí:

"La religión no es el asunto más importante en CHT sino la tierra. Los bengalíes quieren tierra y el resultado es una "lucha de clases" sin la filosofía. Los musulmanes bengalíes quieren tierra y engañan a los pueblos tribales."

Oficiales militares

"Nos ha llegado el momento de no decir más mentiras"

"El ejército merece el Premio Nóbel por lo que está haciendo."

"En Bangladesh hay una mejor civilización en los llanos, y hay una civilización menos desarrollada en las montañas. En las montañas hay algunos caminos, electricidad y telecomunicaciones y están en contacto con la noción de civilización... La civilización es la civilización contemporánea de Bangladesh, contrapuesta a la cultura tribal. Ellos necesitan escuelas, educación, casamientos fuera de su grupo, interconexión cultural, civilización. Se nos acusa de tratar de arruinar culturas pero el gobierno no hace eso. Es natural que los seres humanos quieran adaptarse a la civilización." □

La Comisión deja Takumbari. Foto: Andrew Gray.

'LIFE IS NOT OURS'

THE REPORT OF

THE CHITTAGONG HILL TRACTS COMMISSION

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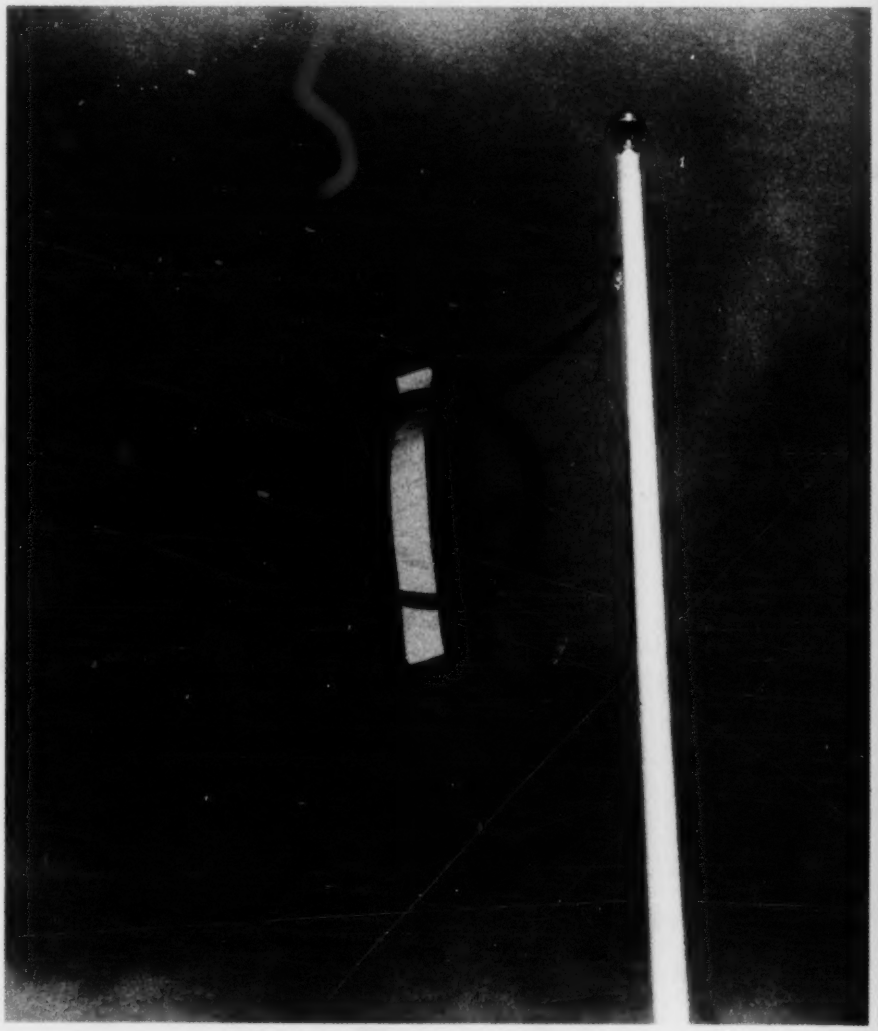
Los caminos del viento

- sobre el poeta saami, Nils-Aslak Valkeapää

Por: Harald Gaski

Nils-Aslak Valkeapää (nacido en 1943) es el ganador del Premio del Consejo Nórdico de Literatura de 1991, por su libro *Beavi Ahcazan* (El sol mi padre). El libro es una combinación de fotos viejas y de nueva lírica. Estuvo seis años coleccionando las fotos en museos de toda Escandinavia, en París, Roma y Seattle. Cada imagen y cada poema tiene su propio número, así el libro en conjunto consiste de 571 trozos. Por deseo del autor las fotos debían ser suprimidas en cada versión traducida de *Beavi Ahcazan*. Por eso la edición escandinava, "*Solen, min Far*" sólo consiste en la traducción de los poemas del trabajo lírico ilustrado, - parece como un apéndice del libro saami. Las históricas fotografías muestran a los *saami* y su modo de vida tal como fueron registrados por los primeros reportajes fotográficos a fines del siglo pasado y a comienzos de éste.

En lo que concierne al autor, *Beaivi Ahcazan* tiene la finalidad ante todo de ser un libro para los saami, para lectores saami. Por esta razón, él también se ha dado rienda suelta a todo el potencial de la lengua saami para expresar el sonido y el timbre, la exactitud y precisión, las derivaciones y engaños, la musicalidad y el *yoik* (música folclórica saami), de las palabras. El texto, sin embargo tiene algo que decir a cada uno en esta tierra. Por esto, puede ser más adecuado arrancar el texto de su próxima e íntima relación a la lengua y cultura saami, precisamente excluyendo las imágenes que guían, pero al mismo tiempo limitan, su lectura. El texto puro sigue un largo camino, la edición traducida sin imágenes tiene por finalidad presentarse sola, trasmitir su mensaje solo con el poder de sus palabras. Pero las imágenes crecerán del lenguaje y el "yoik" sonará en el fondo. Y aún un lector en Manhattan, que nunca ha escuchado un grito similar ni sabe lo que es un reno, sentirá algo detrás de las palabras, la fuerza de lo que fue la cultura de los pueblos nativos. Nosotros sólo podemos preservar lo que comprendemos y debemos conocer el terreno detrás de nosotros, si debemos encontrar el camino hacia adelante. Quizás deberíamos todos aprender, como el poema lo ha hecho, a abrir



La Bandera Saami Nórdica es izada por primera vez en 1986 en Åre, Suecia, en ocasión de la XIII Conferencia Saami. Foto: Jørgen Brøchner Jørgensen.

la puerta hacia el exterior cuando entramos.

Nils-Aslak Valkeapää ha crecido en una familia criadora de renos, pero él tiene una educación de maestro. Sin embargo, nunca ha practicado la enseñanza, su vida la ha dedicado al arte. También ha sido activo en organizar a los artistas saami para asegurar sus derechos y fue el primer coordinador cultural en el Consejo Mundial de Pueblos Indígenas. Durante su período como coordinador, tuvo lugar el gran festival cultural, Davvi Suvva (Brisa del Norte) en el País Saami, a fines de 1970. Hoy día Valkeapää es entre otras cosas una de las personas claves de una pequeña compañía de publicaciones saami, donde su trabajo también incluye la tarea de buscar talentos nuevos en la literatura saami. El viaja a menudo a través del mundo presentando el arte saami a nuevas audiencias.

La reputación de Valkeapää va más allá de sus escritos. El es también un intérprete maravilloso de la música tradicional saami, el yoik, que él también ha tratado de combinar con jazz moderno como también con la música clásica. El CD que ha hecho para acompañar el libro, será probablemente clasificado más bien como un tipo de yoik sinfónico. Además, Valkeapää es un conocido pintor, por ejemplo él mismo ha hecho, todas las ilustraciones de su libro anterior, la síntesis de palabras, yoik y grabados e ilustraciones, *Ruoktu váimmus* ("El hogar en el corazón"), una trilogía de 1974, 1976, 1981 publicada en un volumen en 1986. En 1987 el libro fue publicado en sueco titulado "*Vidderna inom mig*" y la versión noruega publicada en 1990, fue titulada "*Videns veier*". El libro esta ahora siendo traducido al inglés y será probablemente publicado en EEUU en 1992.

Quizás sea la bastilla del vestido saami (vestido nacional del pueblo saami) de la hija del Sol que adorna la cubierta de *Ruoktu váimmus*, quizás sea su poder mágico que atrae al lector y lo arrastra hacia adentro del libro - hacia sus ilustraciones, sus yoiks y su texto. De todas formas el lector es consciente de esta atracción, del modo como es absorbido, de la excitación del descubrir a quién encontrará finalmente después de errar a través de amplios espacios abiertos, las tundras, del libro a las palabras, - al saludo: "Como estás, amigo mío". Más tarde en el texto encontramos nuevamente a la mujer con su vestido saami calzando su calzado de piel de reno, en un poema que es una declaración de amor para el país saami y para el pueblo saami. Tan estrechamente cercana al autor, están las llanuras onduladas, el mar reluciente y el pueblo de esas regiones del norte, que ellos se han convertido casi en parte sí mismo: "Todo esto pertenece a mi corazón/Y todo lo llevo conmigo".

Ruoktu váimmus y *Beaivi, Ahcazan* son trabajos por encargo, no en el sentido que alguien haya pedido específicamente a Nils-Aslak Valkeapää escribir los libros, sino más bien en el sentido que el autor mismo ha sentido que su pueblo espera algo de él. Dada la filosofía estética y punto de vista ideológico de Valkeapää, es bastante natural que la base de su trabajo y de su identidad étnica demande de él, que el artista Aillohas (su nombre de artista saami, que significa pequeño Ailo) deba definir su relación con la comunidad, componiendo un yoik que lo integrará a ella. Este yoik son los libros. Tradicionalmente, un saami debe tener su propio yoik para ser completamente aceptado como un individuo, como un miembro de la comunidad. Aillohas continúa y renueva esta tradición dando al pueblo saami en su conjunto su propio yoik, no como un himno nacional, no como algo para ser aprendido de memoria y ser presentado en ocasiones ceremoniales, pero en forma de libros para un pueblo cuyo concepto de "libro" fue durante tiempo sinónimo de Biblia. No había otros materiales de lectura y tampoco se necesitaban otros. Pero actualmente estamos viviendo en una nueva época, un tiempo en que las tradiciones cambian, cuando se cuida poco la continuidad entre lo viejo y lo nuevo, y cuando la sabiduría de las viejas maneras no es más preservada, sino olvidada.

Es la diversidad artística que une las palabras, las imágenes y la música que componen un proyecto moderno, apuntando hacia el futuro e impulsado por el pasado. Igual como el saami de antaño necesitaba dominar una serie de técnicas y modos de caza simultáneamente para sobrevivir en un clima severo, Aillohas desea tener varias técnicas artísticas a su disposición. El prefiere no especializarse en una forma de arte, porque es la pluralidad lo que enriquece más la vida. En la antigua sociedad, por ejemplo, era importante no sólo poder hacer un buen cuchillo y decorarlo bellamente, sino también poder usarlo. Para Aillohas no es suficiente crear las palabras de un yoik; él también necesita componer la música e interpretarla. La interpretación evoca imágenes que o bien ilustran lo que el yoik esta describiendo o son una disgresión basada en las asociaciones producidas por el yoik. Aillohas es un cazador saami shamán de nuestra era moderna de medios de comunicación y él demuestra la importancia de la solidaridad y de la pertenencia a un lugar, medio ambiente y pueblo.

"Nunca he escrito con el propósito de ser traducido y parte de lo que escribo pretende en primer lugar, sólo ser leído por los saami", dice él. Sin embargo, la positiva acogida otorgada a *Vidderna inom mig* y a *El sol, mi padre* por los lectores escandinavos después de las nominaciones para el Premio del Consejo Nórdico de Literatura, sugiere seguramente que el trabajo de Aillohas también es apreciado por otros. Esto es confirmado por el creciente interés internacional por la literatura de los saami y de otras culturas de pueblos nativos. Y es precisamente un aspecto de la riqueza del arte el poder ofrecer a sus diferentes usuarios, distintos estímulos y experiencias, de lo que ellos ven, leen y escuchan, incluso aún cuando esta necesidad no corresponde al grupo lector primariamente objeto del texto...

Valkeapää es un internacionalista en arte saami; su base y punto de partida son los valores de la cultura saami tradicional: *"Como honro al viejo Sápmi/ que ha podido vivir durante diez mil años/ sin el derecho/ de llamar País Saami al País Saami/ sin el derecho a Sápmi/ a ser un saami/ como podría uno vivir por diez mil años/ en lucha con la naturaleza/ observar los astutos de la nueva era/ contaminar el mundo, veneno/ comerlo desnudo/ roer sus huesos/ Homo sapiens el astuto humano"*. Pero una vez que él ha establecido los lazos con la herencia saami y *"cuando el sol al fin y al cabo sea sostenido en alto/ cuando la mente de uno es limpiada por las duras ventiscas de la nieve de invierno/ es tiempo para dar vuelta a los pensamientos/ navegar el mar del viento/ hacia el horizonte/ estar listo para el cambio de la primavera"*, el internacionalista una vez más despega en su viaje - al interior del mundo, de la siquis: *"...y así me escapo/ al océano de las edades/ moviéndome junto a/ los caminos del viento."*

Harald Gaski (nacido en 1955) es Profesor Adjunto de Literatura Saami en la Universidad de Tromsø, Noruega. ❑

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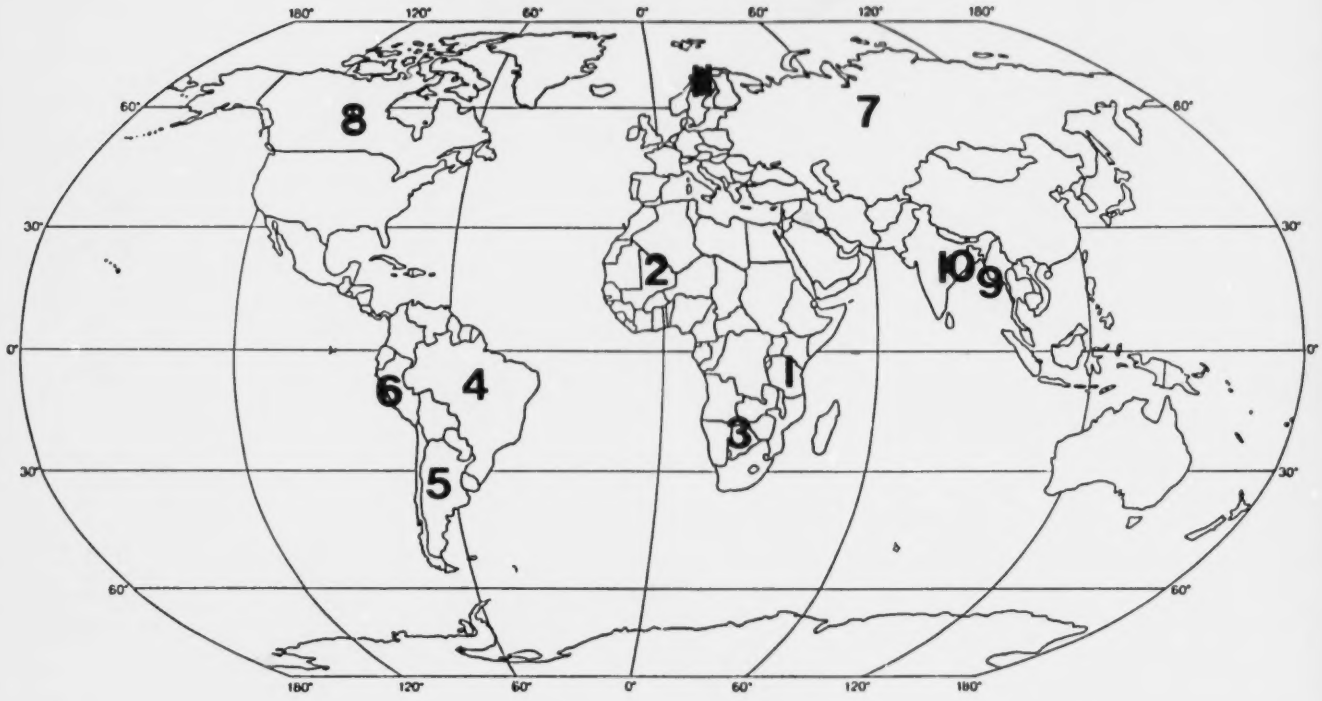

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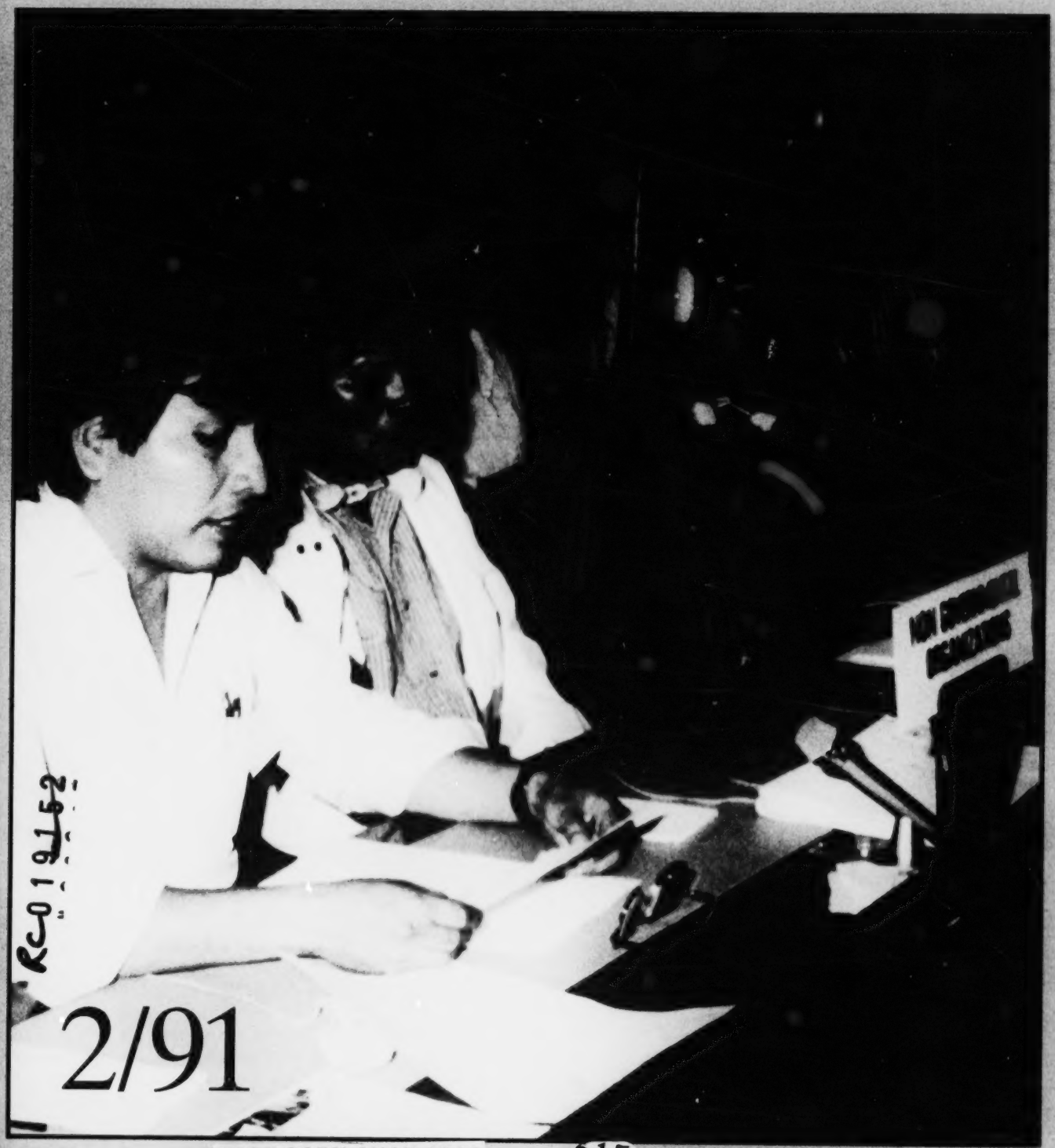

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Editorial

Durante este último verano se celebró la novena sesión del Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas. La tarea principal del Grupo de Trabajo es escribir una Declaración Internacional sobre los Derechos de los Pueblos Indígenas y revisar el desarrollo de los acontecimientos acaecidos en el mundo indígena, durante el año anterior. Como en años anteriores, publicamos algunas de las declaraciones efectuadas por los representantes indígenas. Consideramos que estos documentos son importantes para comprender la base de estos puntos de vista, sentimientos y aspiraciones de los pueblos indígenas.

Junto con tres breves declaraciones, que han sido publicadas durante el encuentro en un Periódico especial del Grupo de Trabajo, estas declaraciones son compiladas por separado en el presente Boletín.

Dos declaraciones tratan la situación de los pastores nómadas de Africa Oriental, específicamente los *maasai* de Tanzania. Estos pueblos han tenido representación sólo en los últimos encuentros de las Naciones Unidas y esperamos que la Secretaria General del Grupo de Trabajo, la Sra. Erica Daes acepte la invitación de visitar Africa como lo propuso uno de los dos oradores.

Como en Africa, muchos gobiernos asiáticos ni siquiera reconocen la existencia de pueblos indígenas en sus territorios. En una declaración conjunta, los delegados indígenas de Asia piden al Grupo de Trabajo, prestar particular atención a los millones de indígenas del continente. Hay que remarcar que los pueblos indígenas de Taiwan (uno de los pocos países no miembros de las Naciones Unidas) figuraron por primera vez en el Grupo de Trabajo.

Una declaración breve y emotiva fue la de un anciano *xavante* de Brasil que se alejó de su tierra por primera vez en la vida. Como símbolo de entendimiento mutuo entre líderes políticos, le entregó a la Sra. Daes un "uibró", el bastón tradicional *xavante*.

El aporte indígena en las reuniones del Grupo de Trabajo, es extremadamente importante y decisivo para la redacción de la Declaración de los Derechos de los Pueblos Indígenas. Se espera ahora que la redacción final se efectúe en 1993, Año de los Pueblos Indígenas de las Naciones Unidas, y que sea presentado en la Comisión de los Derechos Humanos de las Naciones Unidas.

A 499 años de la llegada de Colón a América, los indígenas de América Latina sufren todavía el incumplimiento de tratados (un miembro del Grupo de Trabajo de las Naciones Unidas realiza un estudio especial sobre tratados) y violaciones de los derechos humanos, incluyendo el despojo de sus tierras. Estos hechos deplorables están documentados en los artículos de Méjico, Brasil, Paraguay y Argentina.

En mayo de 1990 la isla de Bougainville se declaró independiente de Papúa Nueva Guinea. Los habitantes de Bougainville están culturalmente emparentados con los habitantes de las islas Salomón pero fueron indigenizados por el trazado de las fronteras pos-coloniales. Los medios de difusión internacional no han prestado demasiada atención a la situación de este grupo indígena que ahora pide apoyo.

Desde esa parte del mundo también publicamos la petición del Consejo Administrativo de Palau.

Aunque la anexión de Timor Oriental a Indonesia recuerda al caso de Kuwait y a pesar de que el potencial de un gran hallazgo de petróleo, hizo que Australia e Indonesia firmaran el llamado "Tratado del Estrecho de Timor", no ha existido un "factor Kuwait" similar para apoyar al pueblo de Timor Oriental.

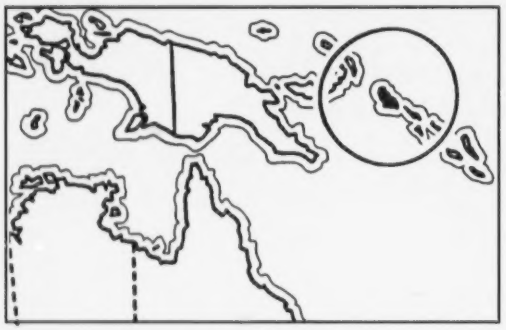
Publicamos un importante documento de la Unión Soviética (Rusia), adoptado por los pueblos indígenas de este país, a principios de este año.

También publicamos las conclusiones y recomendaciones de un encuentro de expertos de las Naciones Unidas, celebrado en Nuuk, Groenlandia, en setiembre de este año. Groenlandia está entre los territorios indígenas que disponen de una de las formas de autogobierno más completa del mundo. ❑

Jens Dahl

Portada: *Representación indígena en la reunión del Grupo de Trabajo sobre Poblaciones Indígenas, en Ginebra. Foto: Alejandro Parellada*

Bougainville: situación actual



Bougainville, Islas Salomón

Antecedentes

Durante los tres últimos años la isla de Bougainville, Papuasia-Nueva Guinea, ha sufrido guerra civil, campañas militares y ahora un bloqueo físico. Bougainville tiene aproximadamente 200 kilómetros de largo y cerca 40 kilómetros de ancho con una población de 160.000 habitantes.

El centro del conflicto entre los habitantes de Bougainville y el gobierno de Papuasia-Nueva Guinea es la mina de cobre Panguna. Esta mina está situada en la tierra del pueblo *Nasioi*, un clan de línea materna donde la tierra pasa de madre a hija.

Las mujeres de Bougainville, cuya tierra por línea materna fue tomada por la mina de cobre y oro, lloraron su perdida y se organizaron para recobrar el control sobre sus vidas.

Los desperdicios de la mina se descargan en la costa occidental de la bahía Emperatriz Augusta, pasando el río Jaba, pasando a través de la tierra de los *nagovisi* y de los *banoni*. Alrededor de 1988, los hombres jóvenes de Bougainville no respetaban más a sus mayores. Ellos podían trabajar en la mina, tratar su sueldo como una posesión personal, beber, jugarse el dinero y chocar sus autos. La sociedad tradicional estaba en un punto de ruptura.

El gobierno de Papuasia-Nueva Guinea es el accionista principal en la mina y depende de sus ganancias para financiar las actividades gubernamentales. Sin embargo el gobierno dio poco a los isleños de Bougainville, quienes sintieron que habían sido sacrificados en el altar del desarrollo nacional. Cuando los isleños pidieron indemnización, a pesar de que el daño causado por tal enorme mina nunca puede ser compensado, sus demandas fueron tratadas como chantaje, a ser resueltas por las brigadas anti-tumulto de la policía y por la Fuerza de Defensa de PNG.

Los habitantes de Bougainville sintieron que habían sido invadidos por un país extranjero y se alzaron. Echaron a los ejércitos de PNG y a las brigadas anti-tumulto y proclamaron la independencia en mayo de 1990. El gobierno de PNG anunció entonces un bloqueo de la isla, el cual ha aislado a los habitantes de Bougainville del mundo circundante.

En enero de 1991 la llamada Declaración Honiara fue acordada. Este convenio suponía establecer un equipo de supervisión multinacional para terminar lo que ahora es un largo bloqueo de la isla, de 12 meses, y para restaurar los servicios fuertemente necesitados. Tanto el ejército revolucionario de Bougainville como las Fuerzas de Defensa de PNG debían "abstenerse del uso de armas y armamentos."

Intervención militar.

Entonces, el sábado 13 de abril, 300 efectivos de las Tropas de la Fuerza de Defensa de Papuasia-Nueva Guinea aterrizaron en la isla, en un ataque, que fue una sorpresa tanto para los habitantes de Bougainville como, al parecer, para el gabinete de PNG. Un bote patrulla bombardeó la base del ejército Revolucionario de Bougainville, en Kobaun y también destruyó un puente cerca de 16 kilómetros de Arawa. La destrucción del puente cortó efectivamente la isla por la mitad.

El resultado es una paralización militar. Más que nunca Bougainville está dividida en dos, una parte bajo el control de la Fuerza de Defensa de PNG, la otra parte, más grande, en manos de los habitantes de Bougainville. Esto sugiere una larga situación sin solución, no siendo ningún lado capaz de ganar o perder decisivamente en una confrontación directa. En el medio está la población civil, a menudo desencantada por los radicales y los pistoleros de ambos lados. Es la población civil de 160.000 habitantes la que continúa sufriendo, ya que los servicios normales no han sido restaurados en ninguna parte, ni siquiera en Buka, que se encuentra bajo el control de la Fuerza de Defensa de PNG, desde setiembre de 1990.

A corto plazo, es el precario equilibrio político de Port Moresby que contiene a aquellos que ven a los habitantes de Bougainville como culpables y merecedores de castigo en lugar de un esfuerzo minucioso para restablecer la confianza y una base común.

Sin embargo, no existe garantía que la contención presente persistirá. Se habla mucho en la capital nacional, Port Moresby, de utilizar *gurkhas* no sólo para entrenar a la nueva Guardia Nacional que está siendo formada ahora, sino también para aumentar el poder de fuego de la Fuerza de Defensa de PNG, para devolver por la fuerza, la isla rebelde al gobierno.

A pesar de este peligro continúan los esfuerzos por implementar la Declaración Honiara, ante la crónica falta de interés del gobierno de PNG de llegar a un acuerdo sobre cómo proceder y luego persistir en ello. La implementación del Convenio continúa siendo impedida a cada paso, por obstrucción del PNG y por vacilación en el extranjero.

El gran peligro es que el Primer Ministro Adjunto Ted Diro pueda desatar un nuevo asalto a la isla con la esperanza de poder aparecer como salvador de la unidad nacional, en un momento en que su pasado está por ser juzgado por un Tribunal de Dirección constituido para tratar una larga lista de cargos en su contra, bajo las cláusulas constitucionales que definen las responsabilidades de los líderes.

Ted Diro, a pesar de las acusaciones, todavía tiene el derecho de llamarse Primer Ministro Adjunto, a pesar de haber sido

liberado de toda responsabilidad ministerial. El Sr. Diro ha encabezado durante mucho tiempo una línea guerrera en la visión de construcción de la nación y se encuentra entre aquellos que vieron la tentativa de los isleños de Bougainville de solucionar sus problemas como criminal, a responder por la fuerza. Su poder ha disminuido un poco, debido la convocación del Tribunal de Dirección.

¿Guerra Civil?

Hay muchos líderes políticos en PNG que comparten la suposición de que las demandas de los habitantes de Bougainville son ilegítimas. El líder de la oposición Paias Winting dijo que la principal falla del gobierno acerca de Bougainville es que las tropas no fueron usadas más temprano. En el gobierno de PNG, el ministro de Asuntos Provinciales John Momis, él mismo procedente de Bouganville, es a menudo una voz solitaria que aboga por medios políticos en lugar de los medios militares de conducir la crisis actual.

De este modo, el país continúa inmóvil, al borde de la guerra civil, con un panorama militar que sugiere un largo e inconcluso conflicto como ocurre cada vez más en todo el mundo, en cualquiera parte donde lo étnico es un factor importante en la vida política. El principal desafío para la construcción de la nación de PNG persiste, con poco indicio de soluciones, aparte de culpar a los isleños.

Las divisiones crónicas dentro del gabinete de PNG no han conducido a iniciativas políticas. Más energía ha sido gastada en deteriorar la política existente que favorece la rehabilitación y la reconstrucción que en encontrar nuevos enfoques. Aún los pocos ministros que han estado activamente involucrados en promover una resolución política, como el Ministro del Exterior Sr. Michael Somare y el Ministro de Justicia Bernard Narokobi, se han retirado, en una frustración impaciente, de cualquier tentativa de fomento del dialogo.

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Guardianes de la paz

El principal fracaso fue la incapacidad del gobierno de PNG de cumplir con su compromiso de establecer una fuerza para guardar la paz, definida en el texto de la Declaración Honiara del 23 de enero de 1991, como un Equipo Supervisor Multinacional (ESM). El ESM no pudo ser materializado por varias razones.

Primeramente, la verdadera idea de un ESM fue una concesión importante ofrecida a los habitantes de Bougainville por la delegación de PNG en las negociaciones de Honiara y nunca fue respaldada con entusiasmo por los ministros de PNG, quienes continuaron viendo la violencia estatal como la solución. En consecuencia, las negociaciones de PNG con otros países para establecer el ESM fueron lentas e inconclusas.

Segundo, Australia debía ser una nación clave en tal fuerza defensora de la paz y después de mucha indecisión el gobierno australiano desistió de un rol tan activo, decidiendo en lugar que podría estar preparado para vigilar una paz ya creada, pero no estaba dispuesto a activamente crear la paz. Los diplomáticos australianos en las Naciones Unidas incitan a que Australia se perfile más en el suministro de contingentes para la defensa de la paz, pero en Camberra queda una persistente esperanza que, parafraseando al Ministro de Exterior de Australia, se pueda impedir el éxito de la enfermedad secesionista.

Tercero, el ESM naufragó en la ambivalencia de los habitantes de Bougainville acerca de si las tropas australianas serían bienvenidas, dada la profunda conciencia en la isla de que la mina de oro y de cobre – base del conflicto -, en realidad es australiana y la ayuda australiana a las fuerzas armadas de PNG, tanto armas como entrenamiento, ha aumentado dramáticamente a más de 50 millones de dólares por año, como un resultado directo de la crisis de Bougainville.

Los "revolucionarios" acuerdan un cese del fuego

A principios de mayo, se hicieron públicas señales de que una fuerza de paz aún sería posible, durante una visita a Australia del jefe de Nigeria Anyakaoku, Secretario General del "Commonwealth". Aún existen algunas posibilidades de una nueva iniciativa para crear este instrumento clave de la Declaración Honiara, pero el Jefe Anyaoku también dejó claro que su modo de trabajo consiste en el consenso, así que cualquier objeción de PNG pondrá un fin a estas exploraciones cautelosas.

El precio del fracaso de comprometer a otros países en proveer una fuerza de paz es que ahora no existe nadie a quién los habitantes de Bougainville pudieran rendirse, si así lo quisieran. No hay ningún mecanismo por el cual los habitantes de Bougainville puedan concretizar una voluntad de un resultado pacífico.

A pesar de todos estos obstáculos, la Declaración Honiara está todavía funcionando. Partidarios de la línea dura, en ambos lados la han denunciado, luego repudiado con el argumento de que la otra parte ya lo había hecho así. Sin embargo, Momis ha mantenido el proceso de paz vivo, al obtener declaraciones inequívocas de aquellos *bougainvilleanos* cuyo compromiso por la paz era más cuestionable, en el sentido de estar dispuestos a un entendimiento, un anuncio de cese del fuego y una renovada voluntad para trabajar por la restauración de los servicios.

Esto es remarcable, dado lo frecuente con que el PNG y los líderes de Bougainville eran citados diciendo que la Declaración Honiara está muerta y la consecuente lentitud en traer suministros para mitigar los problemas de los isleños.

La ausencia de socorro es tan aguda que muchos de los habitantes de Bougainville no se encuentran mejor, cuatro meses después del bloqueo oficial que durante aquel. Existe hoy pequeña duda de que el número de muertes fue y es grande. Esto era inevitable ya que los habitantes de Bougainville no se habían preparado para una ruptura completa con PNG, al declarar su independencia el 17 de mayo de 1990, sólo después de la guerra y del anuncio de PNG de un bloqueo. Los efectos de este bloqueo continuo están confirmados en todos los lados. El ministro de Defensa de PNG, Benais Sabumei dijo que habían por lo menos cinco muertes innecesarias por semana sólo en la punta norte de la isla, una cifra que sugiere, a escala de toda la isla, un aumento de miles sobre el índice de muerte natural.

Las misiones investigadoras se han hecho frecuentes, pero con una singular falta de acción para mitigar los sufrimientos que han documentado. La Cruz Roja envió un doctor a Bougainville en febrero, pero no hay aún presencia activa de la Cruz Roja en Bougainville. Una misión que comprende representantes de las agencias de ayuda australiana, bajo los auspicios del Consejo Australiano de Ayuda al Exterior se ocupó de Bougainville a fines de marzo, conduciendo únicamente a una nueva misión investigadora a comienzos de mayo. No existe aún certidumbre de si sus resultados serán

publicados o considerados propiedad de las autoridades australianas que pagaron sus costos.

Entre bastidores, estas agencias han confiado en la asistencia oficial australiana para financiar programas de ayuda, pero la toma de decisión en Camberra continúa siendo paralizada por el temor de hacer algo que pudiera ser inaceptable a elementos dentro del gobierno de PNG. El mayor temor en Camberra es no hacer nada que pudiera del más remoto modo poder ser interpretado como una insinuación de una especie de reconocimiento de que los habitantes de Bougainville tengan el control de Bougainville.

Esto ha traído una serie de nuevos obstáculos para la asistencia internacional, la cual no será oficialmente aprobada a menos que pueda mostrarse que el plan de ayuda tiene la aprobación del gobierno de PNG entero, sea entregado imparcialmente a aquellas partes de la isla bajo el control militar de PNG y a aquellas bajo el control de los habitantes de Bouganville, aunque sin involucrar de ningún modo al Ejército Revolucionario de Bouganville, en la distribución de las medicinas. El efecto neto es que los esfuerzos de ayuda están obstaculizados y que el gobierno de Australia no presta atención a las súplicas de urgente ayuda de emergencia de las agencias de apoyo. La última postura del gobierno australiano es que cualquier asistencia de emergencia debe ser entregada a ambos lados. Debe apoyar el plan de la Fuerza de Defensa de PNG para demostrar su buena voluntad con los habitantes civiles de Bourgainville de aquellas zonas bajo control militar, ayudando a reconstruir un hospital en la región bajo control militar. La ayuda debe ser también asequible al grueso sufriente de la población de Bougainville, pero sólo si se puede mostrar que se entrega más bien a grupos comunitarios informales que al Ejército Revolucionario de Bougainville. La condición que la ayuda debe ser entregada equitativamente a ambos lados prueba ser imposible en la práctica y solo sirve para retrasar más la acción.

Estos obstáculos políticos están paralizando el esfuerzo de ayuda. La humanidad de los moribundos habitantes de Bougainville, se ha perdido detrás de las exigencias políticas de la política geoestratégica de Australia. Tan agudo es el temor australiano de ser vistos de algún modo aprobando la secesión, que el ministro de salud de las Islas Salomón ha tenido mucha dificultad en obtener una atención comprensiva en su demanda de ayuda para financiar su hospital en Gizo, porque algunos de los pacientes son habitantes de Bougainville enfermos que han atravesado una frontera internacional invisible para obtener tratamiento urgente. Gizo, en la provincia occidental de las Islas Salomón está a 150 kilómetros de Bougainville.

Bougainville, Bangladesh y los curdos

La falta de voluntad de Australia para responder humanamente contrasta con respuestas recientes al desastre natural de Bangladesh y al desastre humano de los *curdos*. Hasta el momento ha impedido la valorización australiana de las necesidades de los isleños y un desmentido oficial de que la isla es en realidad un desastre. Después de varios meses de conversaciones inconcluyentes, la mejor perspectiva es que si bien no habrá respuesta australiana directa a las demandas oficiales de PNG sobre la asistencia australiana, el gobierno australiano podría ayudar a la Cruz Roja y otras agencias de ayuda no gubernamentales con un máximo de $350.000 a fines de junio, y con otros $250.000 más en el año financiero 1991/92. Aún, si esta suma entera se materializa, está muy lejos de colmar las necesidades de una isla que, según la descripción de la Ayuda Católica Australiana, se parece a la ruina post-nuclear descrita en las películas de Mad Max.

Despliegue de fuerzas militares

Una consecuencia importante de la prolongación de la crisis de Bougainville es la importancia adquirida por los militares en las política de PNG. El Ministro de Defensa Benais Sabumei al presentar el informe anual de su departamento al parlamento de PNG, a comienzos de mayo comentaba lo siguiente: "Yo debo decir que la crisis de Bougainville fue una bendición disfrazada a favor de las FDPNG, gracias a la cual hemos reconocido nuestra debilidad y las áreas en las que deberíamos mejorar." El gobierno australiano está totalmente de acuerdo en el deseo de fortalecer las capacidades de tanto la Fuerza de Defensa de PNG y de la policía, para más eficazmente combatir las insurrecciones internas de los ciudadanos de PNG. Los gastos hechos por Australia bajo el Programa de Cooperación de Defensa han aumentado de 19 millones de dólares hace 2 años, a más de 50 millones de dólares por año, casi enteramente debido a la bendición disfrazada de Bougainville.

Las actuales repercusiones de la crisis de Bougainville también se mostraron en la mayor influencia que PNG puede ejercer ahora en su resolución de librarse de las molestas restricciones australianas sobre el destino final de los sistemas de armamento suministrados por Australia. El Ministro de Defensa australiano, el senador Robert Ray está en una encrucijada. Por un lado, quiere aumentar la capacidad de la Fuerza de Defensa de PNG, que fue tan incapaz de ejercer un control militar sobre los habitantes de Bougainville, quienes en 1989 y en 1990 se unieron contra lo que ellos sintieron ser una invasión extranjera. Australia también quiere mantener la tradicional preponderancia australiana de abastecimiento a PNG, y al mismo tiempo proclamar al mundo que cualquiera puede vender armas a PNG. Al mismo tiempo las exportaciones australianas están limitadas por los reglamentos contenidos en el Acta de Aduana, que limita el uso de armas australianas. Son estas reglamentaciones las que continúan causando problema, cada vez que medios australianos publican el uso de helicópteros y armas australianas para bombardear indiscriminadamente a los aldeanos de Bougainville en el momento más crítico de la lucha, que Amnistía Internacional criticó más tarde.

A fin de evitar futuros problemas y para poder competir como abastecedor de armas, en un tiempo que PNG abunda en las ganancias de las nuevas minas de oro y que está por tornarse hacia USA, España, Francia e Indonesia en búsqueda de equipos militares, Australia preferiría abandonar sus condiciones. Esto es lo que se informó que el Ministro de Defensa había hecho, durante su estadía en Port Moresby a comienzos de mayo. Luego, a su vuelta a Camberra el anunció que para armamentos mayores las condiciones seguirían. Los armamentos mayores a que él se refería eran los helicópteros y cañones. No está claro que más estaría comprendido. Esta retracción causó considerable disgusto a PNG. Otra vez más los líderes de PNG sintieron que Australia trata a su antigua colonia como si todavía fuera un niño.

Australia ha invertido 500 millones de dólares en la defensa de PNG, desde la independencia en 1975 y muchos observadores militares expresan su intranquilidad sobre si las inversiones han logrado los beneficios deseados. Mientras la respuesta pareciera consistir en incrementar aún más el gasto, puesto que continúa siendo una condición importante de la estrategia de defensa de Australia que cualquiera amenaza a Australia sólo puede venir a través -no de- PNG o Indonesia. Es esta suposición que robustece la resolución australiana en asegurar a todo costo que PNG permanezca

como una nación.

La creciente confianza del ejército de PNG de poder llevar adelante su plan propio, tenga o no el respaldo total del gabinete de PNG fue dramáticamente comprobada, a mediados de abril, en medio de la implementación de la Declaración de Honiara, cuando una fuerza militar de desembarco voló el puente clave de Manetai, en Bougainville central. Esta acción, que no despertó protesta del exterior, cortó efectivamente el camino que une al puerto principal con la ciudad de Bougainville, a la gran población en el norte, privándolos así del abastecimiento medicinal que llega al puerto en una cantidad limitada.

Al mismo tiempo 300 soldados avanzaron la línea de control de la Fuerza de Defensa de PNG, más allá de Buka en Bougainville del norte, al apoderarse de las plantaciones de coco de Soraken y Bonis.

Como ha sucedido antes, estas aventuras ocurrieron mientras el Primer Ministro Namaliu se encontraba fuera del país. A su regreso de China sancionó retroactivamente estas renovadas afirmaciones de poder militar. Observadores en Port Moresby sugirieron que tenía pocas opciones tan cerca de una sesión parlamentaria y otra prueba de su mayoría. La captura de un espacio en la isla principal había estado planificada hace largo tiempo, como el primer paso en la Operación Bung Wan Taim (unión). Sin embargo la implementación futura está pendiente del resultado de la cantidad de parlamentarios obtenidos.

La disposición de los habitantes de Bougainville para continuar tratando con PNG no ha disminuido. A comienzos de mayo, el Ministro de Asuntos Provinciales John Momis, podía anunciar con detalles sus negociaciones con los jefes tradicionales y los comandantes de BRA, todos prometiendo su apoyo para que se implemente el acuerdo de paz firmado en Honiara. En los últimos meses, dudas sobre la disposición de BRA de atenerse a la Declaración de Honiara, ha sido la principal razón dada en Port Moresby y Camberra para hacer lo menor posible en la implementación de la Declaración. Ahora habrá una nueva vuelta de negociaciones en julio, la que posiblemente comenzará con el tema principal, el estatus de la isla en relación a PNG.

El desembarco de las tropas fue justificado alegando que había sido requerido por los jefes tradicionales de la región. Ninguna evidencia de dicho deseo fue presentada y quince días más tarde, Fr. Momis intencionadamente mostró una petición firmada por la gente de la misma región, diciendo que ellos temían un retorno de la Fuerza de Defensa PNG.

La misma justificación fue dada por el apoderamiento militar de Buka en septiembre de 1990, sólo un mes después que PNG y los habitantes de Bougainville habían negociado el Acuerdo de Endeavour sobre un barco de guerra de Nueva Zelanda. Ha llegado a ser una característica de la política de PNG que, en todos lados, una acción política o militar es justificada refiriéndose a los jefes tradicionales, a pesar que la constitución democrática de PNG no otorga ningún prestigio a la función tradicional de los jefes o de los hombres importantes de la aldea.

Aquellos a quienes se les ha concedido puesto oficial denunciaron el desembarco militar. Fr. Momis, ministro de PNG, a cargo de la implementación de la Declaración Honiara, lo declaró ilegal. Patrick Itta, miembro antiguo de la Fuerza de Tareas establecida por la Declaración de Honiara para organizar realmente la entrega de servicios a Bougainville, emitió una declaración pública acusando al gobierno de PNG de violar la Declaración de Honiara.

La vacilación crónica de PNG, entre la negociación y más operaciones militares, es ahora endémica. En efecto, se practica una política doble, en procura de tanto negociaciones como del control militar, la una socavando la efectividad de la otra.

El resultado es un peligro siempre presente de guerra civil crónica, que ninguno de los lados podría ganar o perder. Los perdedores serían los civiles en el medio.

El Servicio de Información de Bougainville (SIB) distribuye una cantidad (tiraje) regular y extensa de información sobre Bougainville a 800 gobiernos, agencias de ayuda, iglesias, organizaciones de derechos humanos, grupos ecologistas, investigadores e individuos alrededor del mundo. SIB es mantenida por iglesias, agencias de apoyo y fundaciones filantrópicas. Su ayuda es bienvenida. SIB ha funcionado desde mayo 1990 y su primer Informe Anual puede ser solicitado a petición.

SIB no apoya separación ni cualquiera otra solución (de otra manera) que no sea pedir que las soluciones estén en poder de los pueblos afectados. SIB esta abierto a todas las opiniones de los habitantes de Bougainville y agradece contribuciones.

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Fuentes: Servicio de Información de Bougainville; Pacific News Bulletin. ❑

MUJERES INDIGENAS EN MOVIMIENTO

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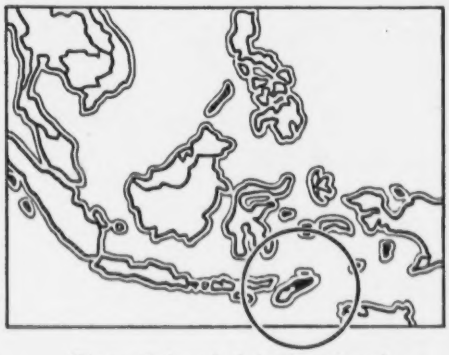
Timor Oriental:

Otra vez en las noticias



Timor Oriental, Asia Suroriental

Después de 16 largos años, la atención se concentra otra vez sobre Timor Oriental. El Secretario General de las Naciones Unidas, Sr. Pérez de Cuéllar, recientemente ha anunciado que las Naciones Unidas todavía sostienen la resolución No. 1515, aprobada por el Consejo de Seguridad en el año 1975. La resolución llama a: *todos los Estados a respetar la integridad territorial de Timor Oriental así como también el derecho inalienable de autodeterminación para su pueblo.* Según el Sr. Van Gizel, que se entrevistó con el Secretario General de la ONU recientemente, el Sr. de Cuéllar, va a dedicar la mayor parte de su tiempo en los meses próximos a Timor Oriental.

EL Sr. Gizel ha dirigido una delegación internacional de parlamentarios y ha presentado un memorándum pidiendo que las Naciones Unidas estén también presentes en las discusiones con Indonesia y con los líderes de la resistencia para solucionar el problema de Timor Oriental.

El factor Kuwait

El interés actual de las Naciones Unidas sobre Timor Oriental, es, según se dice, debido al papel que las Naciones Unidas fueron obligadas a tomar durante la reciente crisis en Kuwait. La incorporación de Timor Oriental a Indonesia en el año 1975 es *una copia al carbón del caso de Kuwait.* Las Naciones Unidas, han mantenido hasta ahora un perfil bajo sobre el asunto. En el año 1982, la Asamblea General de las Naciones Unidas, ha votado 50 votos contra 46 para pedir al Secretario General de: empezar consultas con todas las partes que tengan interés directo en el asunto, con la intención de tentar vías para obtener una solución completa del problema.

El otro hecho, menos conocido, es el del petróleo crudo en las aguas de Timor. En el mes de diciembre de 1989, (violando así leyes internacionales) Australia firmó un tratado (el Tratado del Estrecho de Timor) con Indonesia para la exploración conjunta de los depósitos de petróleo y gas en las 60.000 millas cuadradas de extensión del subsuelo marítimo entre Australia y Timor Oriental. Se ha calculado que el área contiene uno de los depósitos de petróleo más grandes del mundo.

Desde hace ya algún tiempo, Australia, ha sido consciente de las enormes reservas de petróleo de Timor Oriental y había iniciado conversaciones con el gobierno portugués en 1972. En 1976 Australia empezó a negociar con Indonesia para establecer la frontera marítima y dos años más tarde, Australia dio reconocimiento "de jure" a la invasión de Indonesia a Timor Oriental, haciendo preparativos para completar el acuerdo sobre el subsuelo marítimo, para explotar el petróleo marino. El Tratado del Estrecho de Timor viola así la ley internacional, al ser Portugal el poder técnico y administrativo, según el punto de vista de las Naciones Unidas.

El Embajador de Portugal en Camberra, dice que su gobierno ha pedido al Tribunal Internacional de aceptar *"los derechos del pueblo de Timor Oriental a la autodeterminación, la integridad y unidad de su territorio...y su soberanía permanente sobre los recursos naturales y riqueza"*. El Embajador también declaró los derechos de Portugal, de tomar acción contra Australia como el poder administrativo del territorio.

Resistencia popular en Timor Oriental

Aparte del petróleo y el hecho que las Naciones Unidas oficialmente apoyan las demandas de independencia de los habitantes de Timor Oriental, hay otro hecho que también contribuye a la presión creciente sobre las Naciones Unidas para intervenir en el asunto, y éste es el hecho que la resistencia popular continúa extendiéndose, a pesar de las implacables operaciones militares durante los últimos 15 años para aplastar la resistencia.

Timor Oriental logró la independencia el 28 de noviembre de 1975 después de una breve guerra civil siguiendo la retirada de Portugal como poder colonial. Un gobierno dirigido por el Frente Revolucionario por un Timor Oriental Independiente (FRETLIN) llegó al poder, pero poco tiempo después, Indonesia invadió y ocupó Timor Oriental. Durante los últimos 16 años, desde la invasión de Timor Oriental en diciembre de 1975, Timor Oriental es una provincia de Indonesia ocupada y gobernada por el ejército.

En la lucha resistente contra esta ocupación armada, el ejército ha lanzado una serie de ataques que han resultado en la muerte de más de 200.000 habitantes de Timor. Una Campaña de Aniquilación desde septiembre 1977 hasta marzo 1979, ha matado a miles de personas inocentes destruyendo sistemas agrícolas *maubere*, causando una extensa falta de alimentos, hambruna y enfermedades. En 1986, fue lanzada una operación llamada *"Operas Kikis"* (Operación Extinción). El objetivo principal de esta operación fue realizar represalias contra civiles inocentes seguidas de ataques por parte de las fuerzas resistentes. El ejército territorial de Indonesia tiene una presencia de 10.000 a 15.000 efectivos en la zona, pero durante las operaciones, como en 1988, la fuerza aumenta hasta llegar a un número de 25.000 tropas combatientes para efectuar operaciones continuas. Se calcula, que desde marzo de 1990, la presencia del ejército es de aproximadamente 40.000 tropas indonesias y 6.000 reclutas locales.

Esto combinado con el programa de reasentamiento que propone trasladar a la isla, a 5 millones de javaneses, prácticamente significa la aniquilación del pueblo *maubere* y su cultura. Con las palabras del General Benny Murdani, el Ministro de Defensa de Indonesia: *"No existe un patriota de Timor, existe solamente un patriota indonés. No existe una nación del Timor Oriental, existe solamente una nación indonesia."*

El movimiento de la resistencia dirigido por el Frente Revolucionario por un Timor

Aldea timoresa al pie de una colina boscosa. Foto: Elaine Briere.

Oriental Independiente (FRETLIN) aún vive. En estos últimos años la resistencia, que fue limitada a las montañas, ha vuelto a aparecer también en las ciudades.

El año pasado, un grupo de jóvenes, aprovechó una misa al aire libre para expresar su rechazo al dominio indonés. Slogans como *"Viva Timor Oriental y viva Xanana"* fueron proclamados públicamente. Reporteros presentes afirman que más de cinco mil personas participaron en estas protestas.

Al principio del año pasado, un grupo de estudiantes se aprovechó de la visita de un Embajador de las Naciones Unidas para manifestar públicamente y para exigir la independencia. Actividades de ese tipo, que antes no solían ocurrir en el pasado, demuestra que la gente está dispuesta a arriesgar la detención y la tortura de parte de la policía, para expresar su indignación. Esto demuestra claramente un aumento básico de los sentimientos populares contra la anexión de indonesia.

Incluso en las montañas, se han sucedido grandes cambios en el FRETLIN. En 1981, en su primer congreso, el FRETLIN se declaró como partido marxista-leninista, pero en su segundo Congreso esto cambió, favoreciendo la postura del FRETLIN como un frente amplio de masas, y finalmente en 1986 llevó a la convergencia del FRETLIN con la más conservadora *"Unión Democrática Timorés (UDT)"*. En adición el *"mauberismo"* pasó a ser la filosofía oficial del FRETLIN como parte del programa de educación, sanidad y autodefensa. En 1989 el Consejo Nacional de Resistencia Maubere (CRNN) se formó con un gran número de miembros nacionales y el FALINTIL se transformó en un ejército nacional.

Xanana Gusmao, uno de los líderes más perdurables de la Resistencia de Timor Oriental, ha estado activo en los últimos 16 años en la lucha por la liberación, desde que entró al FRETLIN en 1964. El es uno de los dos miembros sobrevivientes del viejo comité central y él mismo ha trazado el derrotero de la lucha en los últimos años, desde su refugio en las montañas.

En una entrevista (con un periodista australiano que entró clandestinamente a las montañas para entrevistar a Xanana) hizo un llamado a Suharto, el Presidente de Indonesia para: *"empezar un cese de hostilidades y charlas sobre una solución sin condiciones previas y bajo los auspicios de las Naciones Unidas"*. Confesó que sus fuerzas fueron superadas en armas y efectivos por las fuerzas del gobierno y que una victoria militar era imposible, pero mostró interés en establecer nuevos frentes apoyando luchas políticas lejos del interior.

Pero en último término, el factor decisivo en el naciente escenario político de Timor Oriental es el petróleo de su costa. Según Noam Chomsky, hay que encontrar el motivo de la tragedia de Timor Oriental en los planes de la posguerra de la economía mundial de parte de los Estados Unidos. En 1975, se resolvió de tal manera para que la región pudiera cumplir su función más importante, como fuente de materia prima y como mercado para Japón y la Europa Occidental. La política sobre recursos vitales como el petróleo, tendrá mucha más importancia para el futuro de Timor Oriental que el problema del exterminio físico, cultural y moral de los pueblos indígenas, y su derecho a la autodeterminación.

Fuentes: Informes publicados en PNP y Tapol. ❑

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Expulsiones indígenas en las sierras de Chiapas

Por: Oliver Tickell

Chiapas, México

Es día de navidad en Mintotic, aldea india en las sierras de Chiapas, México. No se celebra misa, ya que sólo se permite entrar a un católico practicante a la iglesia por vez. Pero este año, se ha organizado otra festividad. Nueve mujeres de las lejanas parroquias de Alamul y Canaluntic son llevadas a la plaza mayor, donde son obligadas a arrodillarse y levantarse sus *huipiles*, blusas bordadas, para desnudar sus espaldas.

Un hombre azota violentamente las espaldas desnudas con un látigo de unos 90 cm. hecho del pene de un toro, cortado en hebras separadas, entrelazadas con alambre. Otro hombre toma su lugar mientras el primero, exhausto, patea una mujer que pedía misericordia. No hay nadie para ayudar a las mujeres – sus maridos están afuera trabajando en las plantaciones de café de la Sierra Madre Sur o en las haciendas azucareras de las tierras bajas tropicales y dos de las mujeres son viudas. Luego, dos hombres son pateados y azotados por todo el cuerpo. Después sus cabezas son afeitadas.

Lo último es algo que se ha estado repitiendo muchas veces en las sierras de Chiapas. Las once personas y sus niños son echados de la ciudad, seguidos de una muchedumbre violenta. Sus casas, campos y provisiones de alimentos, sus pertenencias y animales son todos abandonados; pero ellos están contentos de escapar con vida. Saben de dos hombres, Vicente Méndez Méndez y Agustín Velasco Hernández, que desaparecieron -o usando la estremecedora frase latinoamericana fueron desaparecidos- después de estar en prisión, en la cárcel municipal, en 1988 y 1989.

En búsqueda de justicia las víctimas de este violento y humillante ataque se dirigen a Armando Montoya Cámeras, Director de la Coordinadora de Asuntos Indígenas (CAI) en San Cristóbal. Este es el órgano oficial del gobierno estatal responsable de las 67 municipalidades indígenas de Chiapas. Cámeras los envía al agente del departamento de justicia conectado a CAI, quién está muy ocupado para atenderles. ¿Podrían volver en dos semanas?

Chiapas, una región más o menos del tamaño de Costa Rica, es una anomalía geopolítica. Durante la colonia fue parte de la provincia de Guatemala, pero fue ocupada por México después de la independencia. Si bien todavía es parte de México -la parte más pobre y menos desarrollada, sigue siendo una extensión de Guatemala. La geografía, el clima y la gente forman un continuo que la frontera no puede disfrazar. Y la semejanza va más allá: las estructuras económicas explotadoras, la pobreza, la violencia y los abusos a los derechos humanos de su vecino del sur también se encuentran en Chiapas, la pequeña América Central de México.

No había oro en Chiapas para excitar a los conquistadores españoles. Las riquezas de la región están en la tierra y en la mano de obra india requerida para trabajarla, algo que mayormente sigue vigente hoy en día. La horrorosa explotación de los primeros años fue denunciada a la Corona Española por fray Bartolomé de las Casas, pero con poco resultado inmediato. Sin embargo de las Casas, es afectuosamente recordado en el nombre de la ciudad en el centro de las sierras de Chiapas, San Cristóbal de las Casas. También es conmemorado en el Centro de Derechos Humanos Bartolomé de las Casas, que tiene una oficina pequeña en el obispado de San Cristóbal.

Martín de la Cruz López Moya, que trabaja en el centro, estima que el número de expulsados es de 15.000 desde que el problema comenzó en 1974. Aparentemente las expulsiones son efectuadas por razones religiosas -los indios evangelistas son un objetivo popular. Pero como él explicó "a pesar de que el pretexto de expulsión es comúnmente un cambio de religión o el rechazo a un cargo religioso, las razones reales tienen mucho más que ver con el dinero y la política".

Las expulsiones comenzaron en Chamula, con claros motivos políticos, en una municipalidad justo en las afueras de San Cristóbal. En 1973 el candidato oficial -el del PRI, el Partido Revolucionario Institucional, que ha detentado el poder sin interrupción en México por más de 70 años- sufrió una resonante derrota en las elecciones municipales en Chamula. En la elección, que fue efectuada más bien por aclamación que por votación, se estimó que el candidato de PAN (Partido de Acción Nacional) Domingo Díaz López ganó por 3.000 votos contra 900.

De acuerdo a un testigo del suceso, "uno de los trabajos de CAI consiste en asegurar que el voto indígena quede en el PRI. Por eso mandaron dos personas fuertes, Pablo Ramírez y Angel Robles, para proclamar al

candidato del PRI, Agustín López Hernández. Robles, apoyado por la policía estatal, aterrorizaba con una pistola a cualquiera que se opusiera".

"Entonces cinco autobuses llenos de estudiantes, provenientes de Tuxtla (la capital del estado) llegaron para proclamar al ganador y ocuparon los edificios de la municipalidad; pero fueron desalojados por Robles y la policía. El sacerdote escapó en su camioneta con López atrás. Los dos neumáticos traseros fueron alcanzados por balas, pero el sacerdote siguió manejando y logró escapar.

"Las expulsiones comenzaron en noviembre de 1974. Hernández ordenó a cada uno en Chamula a venir a San Juan, diciendo que una conspiración de evangelistas y partidarios de PAN querían quemar la iglesia de San Juan y tomar el gobierno. Ese día, 2.000 personas fueron expulsadas de 72 parroquias y 250 o 300 personas fueron encarceladas durante 3 días en condiciones indescriptibles. Fueron amontonados con espacio sólo para estar de pie, sin baños, y muchos de ellos habían sido heridos por guardias y soldados. Después tuvieron que encontrar nuevos lugares para vivir. Algunos de los expulsados eran evangelistas, pero en su mayoría eran opositores políticos; otros eran sólo personas a quienes los *caciques* (jefes locales) guardaban inquina.

La eficacia de 14 años de expulsiones para controlar la disidencia política puede verse en las elecciones del 7 de julio de 1988. De un electorado registrado de 13.050, 12.350 votaron con una concurrencia de 94% – a pesar que el camino a Chamula fue bloqueado con rocas, y la policía municipal amenazaba con arresto inmediato a cualquiera que tratara de entrar. Aún más extraordinario fue el resultado: todos los votos fueron dados al PRI, en cada uno de los cuatro niveles de gobierno en disputa.

La elección había seguido a riñas indecorosas entre las autoridades de Chamula y el Gobernador del Estado, quién había estado presionándolos a detener las expulsiones. En una carta al Gobernador publicada en el periódico de San Cristóbal, El Tiempo, el presidente de Chamula, Mariano López López declaró, "si el gobierno no nos ayuda en este asunto y suspende todas las acusaciones respecto las expulsiones, no se emitirán votos en Chamula". Todos los procedimientos fueron abandonados.

Muchas expulsiones son todavía abiertamente políticas, por ej. Zinacantan, donde el Partido Revolucionario Democrático (PRD) ha establecido una pequeña base de poder. Las autoridades tienen la posición de que todos los partidarios de PRD son evangelistas resueltos a la destrucción de su modo de vida. Una de sus víctimas, el líder del PRD Mariano Pérez Pérez, fue obligado a partir después de acusaciones sobre evangelismo y una campaña de hostigamiento en la cual se le cortó el agua y el sendero a su casa fue a menudo bloqueado. Recientemente una reunión del PRD fue interrumpida a punta de pistola con el pretexto de ser evangélica, y los líderes fueron encarcelados.

El evangelismo protestante, que ha estado ganando miles de convertidos en Chiapas, es una verdadera amenaza a la cultura india. Pero es significativo que el evangelismo causó poco impacto en Chamula hasta después de la elección de 1973. La abstención del alcohol se transformó en un medio de protesta y un modo de desquitarse con los caciques quienes controlaban el rentable comercio del *posh*, una forma cruda de alcohol destilado de caña. Las iglesias evangélicas se identificaron exitosamente con el movimiento abstencionista y proporcionaron una ideología para acompañarlo.

El abundante uso de alcohol es una parte fundamental del tradicional modo de vida de Chamula o así a pesar de todo lo mantienen los caciques. Según el presidente de Chamula Santos Jiménez, "el pueblo no quiere ninguna restricción en la venta del posh, porque esto destruiría nuestras tradiciones." En realidad, la bebida tradicional de las montañas Chiapas es la hoy en día inasequible *chicha*, un brebaje fermentado liviano, nutritivo, hecho de maíz. Pero el uso del posh es obligatorio en la mayoría de los rituales religiosos y en tiempos de fiesta el consumo es enorme, con cientos de personas borrachas, a los tumbos, durante una infinidad de días.

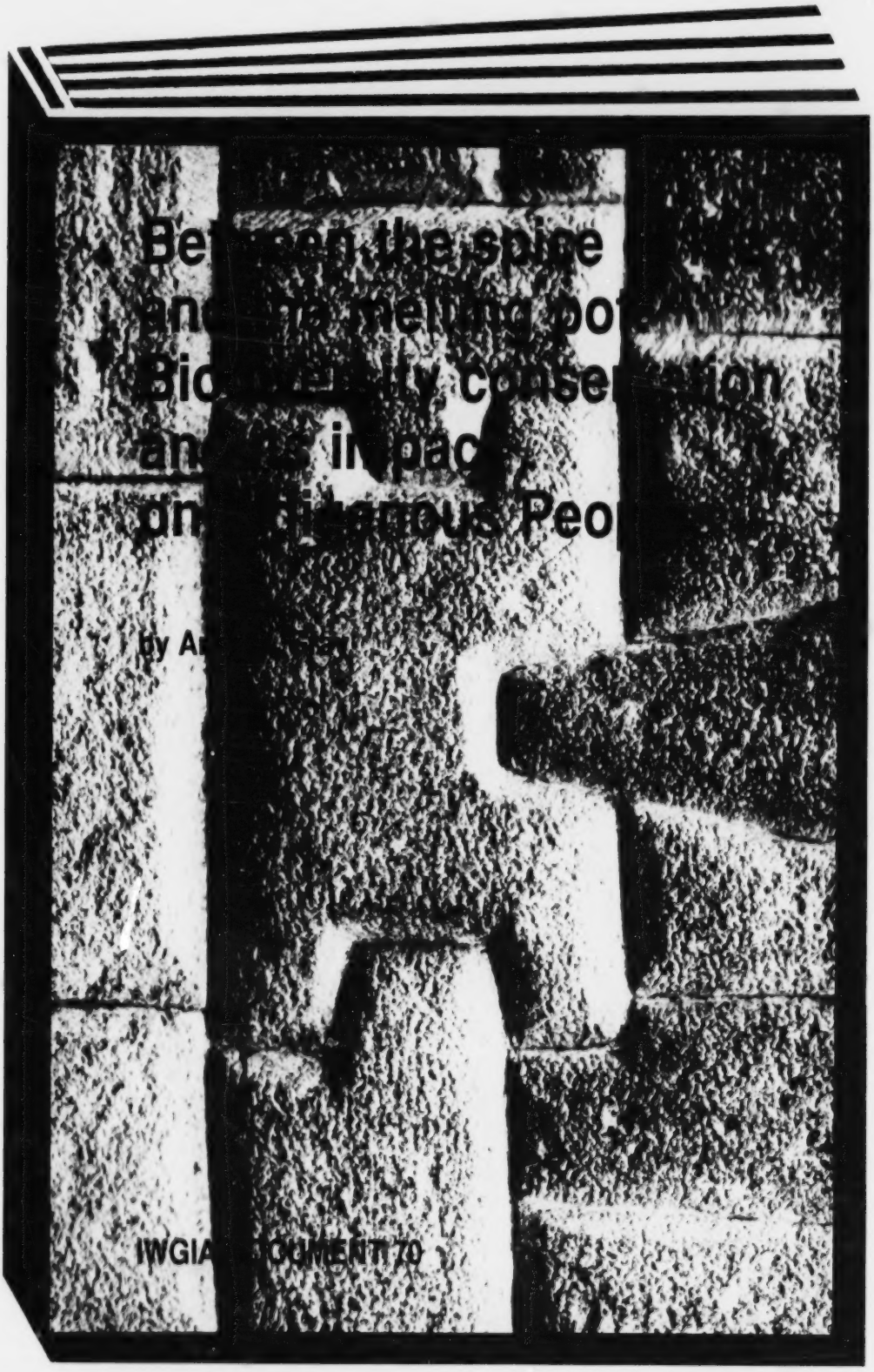
El comercio del posh genera grandes ganancias para los caciques que lo dominan y que explotan de modo rentable las deudas adquiridas por su consumo. La otra cara de la moneda es el alcoholismo, la violencia doméstica, la desnutrición, la pérdida de tierras, el trabajo forzado y el crónico subdesarrollo que aflige a la mayoría de las comunidades indígenas. Muchos evangelistas están convencidos que su oposición al alcohol es la principal razón por la cual los caciques no los toleran. "Si no bebemos", explicó un hombre "la otra gente ve, que nosotros somos más felices y tenemos más dinero. Queremos gastar nuestro dinero en nuestras familias y comunidades, pero los caciques lo quieren todo para ellos".

O como un presbiteriano expulsado me contó, "cuando creemos en la palabra de Dios, no bebemos. Ellos no toleran ésto, dicen que destruye sus tradiciones. Si tu te enfermas los curanderos en la iglesia piden velas, 3 o 4 pollos para curarte y también posh, cerveza y dinero. A veces ellos pueden curarte, pero raramente. En general ellos no te curan para nada. Pero las autoridades, los caciques venden todas esas cosas y tienen un monopolio. Una vez que tu has escuchado la palabra de Dios, tu no les compras más y entonces ellos te expulsan".

Los católicos a menudo escapan un poco mejor que los cristianos evangelistas. Mientras la mayoría de los expulsados son acusados de "no profesar la religión católica", otros son expulsados precisamente por profesar la religión católica. Las 11 personas azotadas en Mitontic el día de Navidad son un ejemplo de ésto, a pesar que el catolicismo es la religión oficial allí. Como un sacerdote me explicó "nuestro trabajo en la diócesis consiste en abrirle los ojos a la gente, ante la explotación que están sufriendo y darles el control de su propio destino - lo último que los caciques quieren. Esto hace que la iglesia católica en San Cristóbal sea fuertemente política; es por esto que está sufriendo tanta represión.

Chamula es una rareza religiosa. Siguiendo las demandas incumplidas del obispo católico Samuel Ruiz García para que los *chamulas* paren las expulsiones, el sacerdote fue retirado de Chamula en 1987, no dejando a nadie para que celebre rituales y sacramentos vitales. Los chamulas resolvieron la crisis encontrando un sacerdote alternativo Agustín García, el supuesto obispo "ortodoxo" de Chiapas. La Iglesia Griega Ortodoxa de Ciudad de México acusa no tener conocimiento de García – él mismo víctima de una expulsión – de una escuela católica seminarista. Pero él era lo suficientemente bueno para los Chamulas quienes oficialmente se convirtieron a su iglesia.

Esta era la solución ideal: García venía una vez al mes para celebrar los rituales sin someter a su audiencia a sermones inoportunos, moralizadores y sin interferir en sus bastante peculiares prácticas religiosas. Pero las cosas son menos prometedoras para los verdaderos católicos como el viejo de 60 años, Manuel Ruiz Collazo de Chilinjoveltic en la región este de Chamula. "Yo soy un católico tradicional" me contó, "incluso una vez, tomé un puesto religioso como Martoma en la fiesta de la Virgen de Guadalupe. Pero ahora no hay misa en San Juan y ellos no enseñan la palabra de Dios. Además, es



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un camino largo para ir, más de una hora en auto y es caro. Entonces, ¿porqué debería ir allí? Yo voy a la iglesia en las cercanías, Las Piedrecitas o La Caridad en San Cristóbal."

"Ellos vinieron a mi casa a las 3 de la mañana, el 27 de noviembre y me llevaron al edificio municipal en San Juan Chamula. Me llevaron ante el presidente, quien me hizo beber dos tazas de posh para mostrar que no era evangélico. Me acusó de leer la biblia y dijo "tu serás expulsado como cualquiera que profese la religión". Entonces fui encarcelado durante tres días con mi familia."

"Nos dieron hasta el 15 de enero para que nos fuéramos diciendo que si no nos habíamos ido, destruirían nuestra casa. Pero yo he vivido aquí toda mi vida. Yo no me iré – no hay otra tierra ni casa donde ir. ¿Y porqué deberíamos hacerlo? ¿Qué crimen he cometido, soy un asesino o un ladrón? Mi único crimen es que he escuchado la palabra de Dios. ¿Y mi familia, mi esposa, mis hijos e hijas? -también es su casa. Por eso, debemos quedarnos aquí."

La orden de expulsión era una clara infracción de la ley y de la Constitución. El gobernador del estado, Patrocinio Garrido había anunciado el 23 de octubre que no se tolerarían más expulsiones. Y el director de CAI había dicho el 14 de agosto que "el gobierno no permitirá otras expulsiones por ninguna razón. Continuaremos con el diálogo y la reconciliación pero si los expulsantes persisten, las autoridades competentes aplicarán la fuerza plena de la ley". Fui a las oficinas de CAI en San Cristóbal para averiguar que acción pensaban tomar respecto a Collazo y su familia.

Levemente nervioso, Enrique Manzur de la Defensoría de Etnias de CAI, me explicó, "el gobierno de Chiapas no permite expulsiones: el proceso de expulsión es ilegal. En el caso de expulsión nuestro trabajo consiste en conciliar para que así su regreso sea permitido... No, no hay un tiempo máximo para que esta conciliación se realice. Puede durar unos pocos días o puede durar más".

"Acerca del caso del 27 de diciembre en Chamula, debemos proseguir el proceso de conciliación para ver la verdad del asunto. Si el informe es como Ud. lo describe, citar razones religiosas para la expulsión, es completamente ilegal. Si la expulsión tuvo lugar con la policía municipal, esto es un crimen y un proceso legal se realizará...No, no hay duda que la policía estatal protegerá a cada uno. Antes de esto, el caso debe ser investigado. Antes que el estado pueda actuar el caso debe estar legalmente comprobado. Si el caso es verificado, depende del Departamento de Justicia investigar y calcular los daños y perjuicios."

"No, no sabemos cuánta gente ha sido expulsada – no existen cifras oficiales... Y no, no hemos guardado la cifra de la cantidad de expulsados que vuelven después de la conciliación; es difícil de calcular, ya que no tenemos cifras oficiales. Pero creo que los casos son muy pocos."

Más tarde otro hombre se nos unió: "Es un asunto de derechos humanos", dijo él. "Usaremos toda la fuerza de la ley para resolver este problema. No tenemos nada que esconder. Estamos contentos que la gente esté interesada en estas cosas. ¿Mi nombre? No importa mi nombre. Aquí en CAI, estamos todos juntos."

Según Martín de la Cruz López Moya del Centro por los Derechos Humanos, "las autoridades estatales se han mostrado incapaces para detener el problema o aún para disminuirlo. A pesar de las declaraciones del Gobernador que el problema ha sido controlado, el conflicto continúa agudizándose."

A pesar de existir voluntad política en el gobierno, las expulsiones religiosas o políticas pueden disfrazarse. Por ejemplo uno de los modos principales de los caciques para mantener el control, es el reparto de los puestos religiosos, cargos que involucran la responsabilidad financiera, organizativa y espiritual de la fiesta de un santo particular. A cualquiera que desafía a los caciques económicamente se le da un puesto tras otro, hasta que dan quiebra, como pasó a un *chamula*, quién trató de crear su propia empresa de transporte, para competir con aquella de los caciques.

Juan Gómez Castellanos, líder de la comunidad de los expulsados en Betania explicaba, "si ellos piensan que tu has aceptado la palabra de Dios, en lugar de expulsarte, pueden darte un puesto en una fiesta grande, lo que significa gastar cerca de 6 millones de pesos mexicanos (1.000 libras esterlinas, con salarios típicos de 1 libra por día). Pero simplemente no tenemos ese dinero. El único modo de pagarlo es pasar 10 o 20 años, trabajando en una finca (una de las enormes plantaciones que dominan la economía de Chiapas) por aproximadamente 37 a 45 pesos mexicanos por semana. Y en todo ese tiempo la deuda sube con el interés, quizás un 10% por mes. Algunos nunca escapan de esta deuda. Para mucha gente, obtener un puesto es lo mismo que ser expulsado, sólo los caciques lo pueden llamar voluntario".

O como otro hombre me contó, "en Chamula, noviembre de 1989, un evangelista fue mandado a construir una escuela primaria usando su propio dinero. Fue expulsado por su fracaso en cumplir con una obligación hacia la comunidad. Otro truco común es colocar marihuana en la casa de los líderes evangelistas y entonces llamar a la policía. Tres evangelistas están por esta razón, en la cárcel de Cerro Hueco, en Tuxla".

Las raíces del poder de los caciques en las municipalidades indígenas de Chiapas datan de 1930 y las políticas indígenas del presidente Lázaro Cárdenas. Como un modo de promover desarrollo en Chamula, él capacitó un grupo de jóvenes *chamula* en la lengua española y en el trabajo básico de administración. Ellos llegaron a ser "promotores", agentes de reforma y desarrollo y el vínculo oficial entre las comunidades, el estado y gobiernos federales. En 1938 el gobierno anunció que sólo negociaría con presidentes municipales bilingües, reforzando aún más la influencia de los promotores.

Los promotores gradualmente llegaron a dominar la administración de Chamula y desarrollaron numerosas posibilidades comerciales. No tardó mucho antes que gente como Salvador López Castellanos, ahora en sus ochenta, llegó a tener un monopolio de transporte, alcohol y bebidas y prestaba su dinero excedente a un interés de 10% por mes. Pero quedaba otro nivel de autoridad con la cual ellos debían aún ponerse de acuerdo.

El modo tradicional de dar prestigio y autoridad en Chamula y en otras comunidades indias es a través del desempeño de puestos religiosos. Por consiguiente, los recién llegados eran vistos como usurpadores de sus posiciones y causaban resentimiento entre los ancianos tradicionales. Pero este conflicto fue resuelto cuando los promotores mismos comenzaron a ocupar puestos religiosos, utilizando las ganancias de sus negocios. Cuando los ancianos morían, ellos los reemplazaban y llegaron a dominar tanto la autoridad oficial como tradicional. A mediados de los cincuenta, el proceso estaba terminado. Una nueva generación de caciques bilingües, capacitados en gobernar tenían un firme dominio del poder en Chamula y alrededores.

Por ejemplo ellos establecieron y controlaron la Unión de Trabajadores Campesinos (UTC), la cual reemplazaba el viejo sistema de "enganche", por él cual indios de las sierras eran reclutados por medio de la fuerza, deuda y trucos para trabajar en las

fincas. La UTC, quién ganó 25.000 miembros entre 1937 y 1940, trajo cambios inmediatos en las condiciones de trabajo, pero pronto llegó a ser un nuevo sistema de enganche y un sistema muy ventajoso para sus jefes. Todo el trabajo indio de los altos era reclutado a través de UTC, no sólo para las haciendas sino también para trabajar en la construcción de caminos y otros proyectos de desarrollo en la sierra. La UTC es conocida como el sindicato que no ha negociado el sueldo o condiciones de sus miembros durante cincuenta años.

La política de imponer gente bilingüe fue extendida en 1960 a otras municipalidades indígenas. El Instituto Nacional Indigenista (INI) tenía la política de ubicar maestros *ladinos* (no indios) en las escuelas, pero ellos eran resistidos por la población, frustrando el objetivo a largo plazo de INI, de crear una sola cultura mexicana. Entonces comenzaron a educar maestros bilingües de las comunidades. Un hombre me contó, "esos maestros, capacitados por el gobierno para tener una mentalidad muy diferente que la gente corriente, han adquirido enorme poder y se han erigido como caciques. Ellos usan el grito aglutinante de la tradición para mantener su control, como en Mitontic, donde el presidente y otros funcionarios son directores."

La religión de los indios *chiapas* tiene poca semejanza con nuestra versión del cristianismo. La iglesia de San Juan Chamula, el centro espiritual del pueblo Chamula, es obscuro y resonante, con los murmullos de plegarias y conjuros, el aire espeso por el humo del incienso. Abierto a los turistas por un pequeña pago, provee una oportunidad fascinante para presenciar rituales de curación y propiciación, realizada por muchos curanderos que trabajan allí.

Botellas de posh y Pepsi Cola (los caciques de Chamula perdieron la concesión de la Coca Cola en los años setenta) usadas como ofrendas sacramentales, se esparcen por el suelo de pinocha, cientos de velas están puestas en torno a los curanderos y ante los altares de santos a lo largo de los muros. Aún estando bien cerca la escena es curiosamente enigmática, un convincente recuerdo de lo diverso del universo indio.

La religión de los *chamulas* y otros indios *chiapas*, centrada en torno a la veneración de los santos, fiestas sostenidas en su honor y viejas prácticas de curandería, es de importancia vital para ellos. Como el investigador Robert Wasserstrom lo dijo, "la religión india es un complejo de símbolos, costumbres, prácticas y tradiciones que define su relación con Dios, la naturaleza y el universo. Sostiene una experiencia histórica y una realidad diaria que distingue al indio y define una identidad étnica única." Pero como él agrega, "esos mismos símbolos pueden servir como instrumentos de opresión, como en Chamula".

Es fácil ver como la interferencia religiosa de extraños lleva a reacciones defensivas. Muchos evangelistas tienen escaso respeto por las religiones de los indios. "Su tradicional culto a los santos es sólo una forma de paganismo en el cual Dios y Jesús no figuran", me contó un misionero. "Está asociado a la pobreza, miseria, embriaguez e ignorancia y a menudo brujería. Una vez que ellos rompen con aquello y aprenden una verdadera fé, no tienen deseo de volver a eso".

La iglesia católica tiene un modo de enfocar su trabajo en las comunidades indias muy diferente. "Existe un esfuerzo en la diócesis por revivir los aspectos positivos de la cultura indígena y revalorizar esa cultura", explicó el padre. "Los evangelistas enfrentan directamente la religión tradicional, predicando contra la idolatría y arruinando la visión del universo de los indios. Pero nuestra tarea es primero aprender de los indios, conocer sobre sus creencias y prácticas y encontrar lo que es positivo y acentuar aquellos valores positivos. Por ejemplo, esto significa mostrar cómo los santos que ellos veneran contienen virtudes cristianas y nos dan un modelo para nuestras propias vidas, y reconociendo el valor de sus fiestas como una celebración de vida en abundancia, en todo sentido, no sólo espiritual".

En las comunidades evangélicas que visité la gente parecía estar encantada de estar libre del peso de la tradición y de la obligación – si estaban oprimidos por su extrema pobreza. A pesar de todo hablaban *tzotzil*, vestían trajes tradicionales, comían porotos y tortillas y permanecían al parecer *chamulas* o *zinacantecas*, fieles a sus orígenes. Indiferente de los objetivos de los misioneros originales, los indios convertidos han adoptado ahora las religiones evangelistas como las suyas. Como el padre me contó, "no podemos seguir sosteniendo que los indios de Chiapas tienen una única religión. Existen miles que quieren evadirse de la estrictas costumbres y tradiciones y esa es una elección que ellos debieran estar libres para hacer".

La importancia de costumbres y tradiciones religiosas -y las fiestas en particular- se acentúa más en las comunidades más pobres. En Chamula se estima que 30–40% de los hombres deben trabajar afuera en las fincas por largos períodos; en Mitontic, una de las municipalidades más pobres la cifra puede llegar al 80–90%. Para ellos la afirmación de la identidad a través de la religión y de las fiestas es un antídoto necesario contra las deshumanizantes condiciones en las fincas. Un hombre me contó "la gente está ganando 2 pesos por día por trabajar de sol a sol, con solo dos platos de porotos y tortillas para comer. Las barracas del ganado están en mejores condiciones que aquellas para la gente. Un trabajador que yo encontré había estado ahí durante 24 años, para pagar su deuda".

Pero irónicamente, la observancia de esas tradiciones es a menudo, precisamente lo que hace la vida económicamente insostenible en sus comunidades. El alto costo, no sólo de los puestos, pero de la observancia religiosa regular y del abundante consumo de alcohol, es un permanente drenaje de recursos. Las deudas adquiridas de este modo, acumulándose a un 10% por mes, los obliga a vender su tierra -a los caciques por supuesto – y a trabajar por largos períodos en las fincas.

Todo esto sirve apropiadamente a los intereses económicos de los caciques, de los comerciantes ladinos de San Cristóbal y de los dueños de las fincas, quienes están abastecidos de mano de obra india barata, en sus plantaciones de café y azúcar. Poco sorprende que el gobierno autorice las expulsiones que permiten que este sistema continúe, tanto más así mientras el sistema produce en cada elección, su constante cosecha de votos para el PRI.

René Bustamante Villanueva escribía en 1977 "la estructura social permanece fraguada en un modelo del siglo XVI con los indios y los ladinos fuertemente diferenciados". "Los indios a menudo poseen sólo la tierra necesaria para un espacio habitable, lo que asegura que ellos deben trabajar en otra parte...San Cristóbal es una ciudad parásita, que vive del trabajo de los indios y de interacciones comerciales explotadoras". Sus palabras son todavía acertadas hoy día. En Guatemala, El Salvador y Honduras, estructuras sociales y económicas similares son mantenidas por escuadrones de la muerte, fuerza militar y masacres de vez en cuando, las cuales por supuesto enfrentan la condena mundial. En Chiapas, los mismos líderes indígenas están implicados, acentuando y aprovechando de la opresión y explotación de su propio pueblo.

Con el nuevo Presidente de México, Salinas de Gortari hay una disposición de reforma en el PRI y en el país. El Centro de Derechos Humanos en San Cristóbal ha

denunciado las expulsiones al presidente y a la Comisión Nacional por los Derechos Humanos; su reacción mostrará si el manifestado deseo de reforma del PRI es algo más que una estrategia de relaciones públicas. Pero entretanto, el foco del escrutinio internacional sólo puede beneficiar víctimas actuales y potenciales.

Notas

1. La secuencia

10 de setiembre, Chamula: Las autoridades de Chamula anuncian que se tomará una resolución en un plazo de 8 días sobre las 23 familias expulsadas, pero deja claro que "ellas sólo pueden volver si cambian su religión."

10 de setiembre: 3 familias expulsadas y 32 dejaron "voluntariamente" Tzequentic, Zinacantan, después de la proyección de una película evangelista en una casa privada, en Granadilla, el 8 de septiembre. Todos fueron encarcelados durante 3 días. Los dueños de la película y del proyector deben pagar 250 pesos por la devolución del equipo, todos los presentes como también otros evangelistas sospechosos no presentes, reciben una multa de 50 pesos. Los de Granadilla pagan y se quedan y aceptan recibir todos los cargos religiosos, mientras aquellos de Tzequentic se van. La multa es aprobada por CAI.

Las tres familias expulsadas son acusadas de "no vivir en la comunidad" a pesar de los recibos de pago del ejido. 32 voluntarios no pueden vivir en paz a causa del continuo miedo de saqueo y persecución.

Reunión sostenida de 7–10 de la tarde; minutos antes que termine, una casa es forzada y 4 personas son arrestadas violentamente; otras 40 son arrestadas durante la noche. Una casa, y también una tienda, son saqueadas de bebidas y cerveza. El alcalde dice, "detenidos por no tener permiso de las autoridades para realizar una reunión religiosa."

2 de octubre: estalla una guerra abierta entre el PRD y el PRI en Zinacantan, después de la reunión del PRD amenazada en Tzequentic. Un agente municipal amenaza con pistola a un hombre de PRD, partidarios del PRD son encarcelados.

11 de octubre: 88 familias expulsadas de Mitontic suplican la intervención de CAI.

14 de octubre: Domingo López Angel (DLA) del Consejo de Representantes Indígenas de las sierras de Chiapas (CRIACH) denuncia la expulsión de Yaaltem, de 6 hombres, 5 mujeres y 2 niños, el 20 de octubre.

18 de octubre: 5 mujeres más son encarceladas en la escuela un día y se les da un plazo de 3 días para irse. 3 aparecieron en San Cristóbal, pero 2 mujeres ancianas desaparecieron. De las 3, 2 son separadas de sus maridos, aún en Yaaltem.

20 de octubre: Yaaltem, Chamula: 18 evangelistas son expulsados por las autoridades rurales. Esto resulta en el encarcelamiento de 13 personas durante 9 horas en una escuela, el 7 de octubre. Puestas en libertad, las mujeres fueron molestadas por un grupo de hombres encabezados por el cacique Domingo López Pérez. Tres mujeres fueron violadas y una logró escapar de sus agresores.

23 de octubre: El gobernador del estado anuncia: "no toleraremos más expulsiones". El mismo día, las autoridades de Tzenquentic rechazan el permiso de regreso de los expulsados del 10 de setiembre, imponiendo una multa de 50 pesos y otras irrazonables condiciones. El Consejo Indígena defiende el derecho de los expulsados a pedir sólo sus pertenencias y el producto de su cosecha.

24 de octubre: Mitontic: un hombre es arrestado por el asesinato cometido en 1971, de una mujer con la cual él había estado bebiendo posh, a las pocas semanas de convertirse a la religión evangélica.

1 de noviembre: 11 familias de Chamula expulsadas por profesar el catolicismo en oposición a la religión ortodoxa son encarceladas durante dos días, al ir a la iglesia de San Andrés Larrainzar, una verdadera iglesia católica.

23 de noviembre: un hombre de Chamula es arrestado por cultivar marihuana.

4 de diciembre: AM anuncia el proyecto de traducir las estipulaciones sobre derechos humanos de la Constitución a 9 lenguas indígenas. José Pérez declara, "El gobierno ha sido evasivo en la atención de los problemas de expulsión en Chiapas".

25 de diciembre, Chalam, Mitontic: comisionados llegaron a las 6 de la mañana para arrestar a 9 mujeres y 2 hombres de Alamul y Canalumtic, y los llevaron a la escuela diciendo, "no queremos ni católicos ni protestantes cerca de aquí". Ellos fueron encarcelados junto con 23 niños durante cuatro horas, en la escuela. Todas las mujeres estaban sin la protección de sus maridos: 2 de ellas eran viudas y los otros maridos estaban afuera trabajando en las fincas. Todos ellos fueron entonces llevados a San Miguel Mitontic y encarcelados todo el día.

Otros 5 presbíteros fueron arrestados en Chib Uc'um, quienes anteriormente habían vuelto luego de sus expulsiones en 1989. Fueron encarcelados en Canalumtic con católicos.

A las 6 de la mañana fueron presentados ante una "corte" de las autoridades de la aldea y alguna gente, quienes los declararon "culpables".

Las mujeres fueron obligadas a arrodillarse a levantar sus huipiles, desnudar sus espaldas y luego fueron azotadas violentamente en la espalda por varios hombres con un látigo de cuero de unos 90 cm. dividido en hebras enrrolladas con alambre, hecho del pene de un toro. Algunas fueron pateadas. Los hombres también fueron azotados y sus cabezas afeitadas. Tarde por la noche fueron echados de la ciudad dejando todos sus bienes detrás. Algunos huyeron a Tenejapa otros a San Cristóbal.

El día 28 llegaron a CAI y vieron a AMC, quién los envió a ver un doctor. El representante del Departamento de Justicia (Ministerio Público) les dijo que él estaba muy ocupado, -¿no podrían volver el 7 de enero?

El 5 de enero los expulsados emitieron una declaración llamando al gobierno del estado y al Departamento de Justicia a tomar medidas enérgicas contra aquellos responsables, como Jorge López Díaz, Victorio Rodríguez, el juez municipal, Juan Méndez Velasco y el mayor, Domingo Pérez López y culparlos de delitos de violencia. En la declaración se leía, "Si CAI no nos hace justicia, ni tampoco las autoridades de Tuxtla, nosotros decidiremos entonces cuales medidas tomar para volver a nuestras tierras sin miedo de ser masacrados como casi fuimos el día de Navidad."

27 de diciembre: Chilimjovectic, Chamula: Manuel Ruiz Collazo y su familia de siete miembros, son encarcelados durante 3 días y dos noches, por ser católicos. Por haber sido vistos ir a la iglesia local de las Piedrecitas y estar leyendo la biblia.

15 de enero: el plazo límite para Manuel Ruiz Collazo y otros expulsados chimiljoveltic expira. Ellos permanecen pero ninguna acción es tomada.

ARCTIC ENVIRONMENT

INDIGENOUS PERSPECTIVES

Documento IWGIA No. 69 (en inglés), US 7,50

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El Centro de Derechos Humanos de Fray Bartolomé de las Casas está ubicado en 5 de Febrero No.6, 29200 San Cristóbal de las Casas, Chiapas, México. No trabaja sólo por los derechos de los indios expulsados, sino también por las muchas víctimas de los abusos de los derechos humanos en todo el estado de Chiapas. ❑

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Asociación de los Pequeños Pueblos del Norte de la Unión Soviética:

Convención de los 26

Mapa de URSS

RASS: República Autonóma Socialista Soviética
AA: Area Autonóma

Introducción

En marzo de 1990, la Asociación de los 26 Pequeños Pueblos del Norte Soviético fue fundada en Moscú (ver el Documento No. 12 de IWGIA, 1990: Pueblos Indígenas del Norte Soviético). Este fue el primer paso tomado por representantes de las minorías étnicas del Artico y Subártico Soviético para establecer un foro, dónde poder discutir las cuestiones urgentes relativas a la difícil situación de los pueblos indígenas del Norte Soviético, la preservación de su cultura y lengua, identidad y tradición, y dónde puedan tomarse medidas para mejorar las condiciones sociales y económicas.

La aprobación de una "Convención de los 26 Pequeños Pueblos del Norte Soviético", es un intento de llevar adelante la realización política de los esfuerzos de la Asociación, definiendo en forma general los objetivos políticos de los grupos étnicos involucrados. Esto tuvo lugar en octubre de 1990, y el documento político fue presentado posteriormente al gobierno de la URSS y de Rusia para su ratificación. El Boletín de IWGIA publica el total del documento.

El documento

Nosotros, los representantes de los 26 pueblos del norte de la Unión Soviética, reunidos en Consejo el 16 de octubre en la ciudad de Yakutsk, declaramos que nuestros pue-

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blos están en este momento al borde de la extinción.

Los pueblos del norte han soportado los azares de la política colonial y han emergido optimistas en las costas del resurgimiento. Pero sus expectativas han sido cruelmente frustradas. Nuestros pueblos se han levantado en contra de la renuencia y la incapacidad del Estado para enfrentar sus problemas. Hoy sufren las trágicas consecuencias de la irreflexiva conquista industrial de las áreas donde viven. Vastas áreas del habitat histórico de los pueblos del norte, desde la península de Kola a Chikotka, Kamchatka, Sakhalin y el Amur, son los principales abastecedores de materias primas para el país. Los billones de toneladas de petróleo y metros cúbicos de gas, los cientos de millones de metros cúbicos de madera, las miles de toneladas de oro y otros metales no ferrosos y las grandes cantidades de diamantes y pieles extraídas de las tierras ancestrales de los pueblos del norte no les han aportado ningún beneficio, sino que han probado ser una verdadera desgracia para ellos. Lo que es más, estos pueblos están siendo expulsados sin misericordia de sus sustentos nacionales por la población inmigrante que ejerce presión; por decisión de los partidos locales y los órganos soviéticos, han sido trasladados a ciudades industriales, puertos oceánicos, centros regionales y grandes establecimientos donde han sido sometidos a una forzada asimilación social, política y cultural. Sus raíces culturales y lingüísticas y su forma de vida han sido arruinadas. De esta forma, los pueblos del norte se han transformado en parias en su propia tierra.

A menos que los procesos hoy en marcha sean revertidos, los pueblos del norte están amenazados de extinción en un futuro cercano. Es necesario que se tomen medidas urgentes que aseguren su supervivencia, preservación en la sociedad moderna y su desarrollo en un mundo cambiante.

El Consejo de la Asociación de 26 Pequeños Pueblos del Norte de la Unión Soviética adopta por la presente esta convención e invita al Soviet Supremo de la República Federal Socialista Soviética Rusa a:

1. Ratificar la Convención de los Pueblos Indígenas y Tribales (Ginebra, 1989) adoptada por la Conferencia General de la Organización Internacional del Trabajo (OIT), que hace un llamado por la preservación de la individualidad, cultura, costumbres y tradiciones de los pueblos indígenas, y por el reconocimiento de la propiedad de su tierra y del estatus especial de la población indígena al mismo tiempo que conservan derechos plenamente igualitarios con otros grupos de población.

Vladimir Sangi, Presidente de
la »Asociación de los Pequeños Pueblos del Norte Soviético«.
Foto: Jens Dahl.

2. Acordar el estatus legal de Estados a la Asociación de los Pueblos del norte y organizaciones de pueblos que todavía no tengan entidades Estatales nacionales.
3. Aprobar un acta sobre "los pequeños pueblos del norte de la URSS" de acuerdo con el Acta de la URSS "sobre el libre desarrollo nacional de los ciudadanos de la URSS que viven fuera de sus entidades Estatales nacionales o que no tengan dichas entidades dentro de la URSS".
4. Incorporar en la nueva constitución de la RFSSR artículos particulares que reflejen los derechos e intereses de los pueblos del norte de la manera siguiente:
   - se establecerán parques estatales y reservas dónde los usos tradicionales de la naturaleza gocen de prioridad, en las áreas dónde los pueblos del norte han tradicionalmente habitado;
   - se garantizará a los pueblos del norte derechos exclusivos de propiedad sobre sus tierras ancestrales y la plataforma continental de sus costas, incluyendo todos los recursos biológicos y otros, y minerales; la tierra se dispondrá para el uso individual y de la comunidad/clan de los pueblos del norte; se restablecerán los consejos de clan (Soviets);
   - con el fin de asegurar la representación de todos los pequeños pueblos del norte en los Soviets a todos los niveles, se introducirá una categoría de distritos electorales nacionales especiales según las líneas étnicas;
   - con el fin de proteger los intereses de los 26 pequeños pueblos del norte a nivel Estatal, las áreas en dónde estos pueblos viven tendrán gobierno autónomo parlamentario con estatus republicano.
5. Que se disponga no menos del 12% de los ingresos anuales de las empresas poseídas y operadas por ministerios, departamentos gubernamentales y otras organizaciones que funcionan en el lejano norte, áreas asimiladas al mismo, y áreas dónde los pueblos del norte han habitado históricamente y realizado sus actividades económicas, para constituir un fondo para el desarrollo social de los pueblos del norte dentro del marco de la Asociación de los Pequeños Pueblos del Norte y las asociaciones regionales.
6. El Gobierno de la URSS, el Gobierno de la RFSSR, los Consejos de los Diputados del Pueblo, ministros y departamentos gubernamentales de la URSS Y RFSSR, empresas y organizaciones establecerán, dentro del marco de la Asociación de Pequeños Pueblos del Norte de la Unión Soviética, un fondo panruso para la supervivencia de los pueblos del norte.
7. Eximir a la Asociación de Pequeños Pueblos del Norte de la Unión Soviética y las asociaciones regionales de esos pueblos, y toda organización y empresas que ellos puedan establecer, de toda forma de gravamen impositivo.

Firmado: V.M. Sangi
Consejo de la Asociación
Presidente de la Asociación de Pequeños Pueblos del Norte de la Unión Soviética.
19 de octubre de 1990. ❑

Conclusiones y recomendaciones de Nuuk

- sobre la autonomía y autogobierno de los pueblos indígenas

El Encuentro de Expertos de las Naciones Unidas, reunido en Nuuk, Groenlandia, entre los días 24 y 28 de septiembre de 1991, reconoce que los pueblos indígenas son históricamente autogobernables, con su propia lengua, culturas, leyes y tradiciones.

El Encuentro de Expertos comparte el punto de vista que los pueblos indígenas constituyen pueblos y sociedades distintas, con el derecho a la autodeterminación, incluyendo los derechos de autonomía, autogobierno y autoidentificación.

El Encuentro de Expertos reconoce que los serios problemas enfrentados por los pueblos indígenas son específicos para cada país y región del mundo y no puede existir una solución única y uniforme para todos. Con esta base, la reunión adopta las siguientes conclusiones y recomendaciones para ser implementadas con la debida consideración a la especificidad de cada situación, sin detrimento de las normas mínimas establecidas por los instrumentos internacionales sobre derechos humanos:

I

1. La autodeterminación de los pueblos es una condición previa para la libertad, justicia y paz tanto dentro de los Estados como en la comunidad internacional.

2. Los pueblos indígenas detentan el derecho de la autodeterminación como se estipula en las convenciones internacionales sobre derechos humanos y derecho público internacional y como consecuencia de su existencia continua como pueblos distintos. Este derecho será implementado con la debida consideración de otros principios básicos de la ley internacional. Una parte integral de ésto es el derecho inherente y fundamental de autonomía y autogobierno.

3. Para los pueblos indígenas, autonomía y autogobierno son prerrequisitos para alcanzar la igualdad, dignidad humana, libertad de discriminación y total goce de todos los derechos humanos.

4. El territorio indígena y los recursos que contienen son esenciales para la existencia física, cultural y espiritual de los pueblos indígenas y para la construcción y ejercicio efectivo de la autonomía indígena y autogobierno. Esta base territorial y de recursos, tiene que ser garantizada para la subsistencia de estos pueblos y el desarrollo en curso de las sociedades y culturas indígenas. En el caso apropiado, lo anteriormente dicho no debe interpretarse como restrictivo al desarrollo de los convenios de autogobierno y autoadministración no vinculados al territorio y recursos indígenas.

5. La autonomía y autogobierno de los pueblos indígenas son beneficiosos para la protección del medio ambiente y la preservación del balance ecológico que ayude a asegurar el desarrollo sostenible.

6. El autogobierno, la autoadministración y la autogestión de los pueblos indígenas constituyen elementos de la política autónoma. La realización de estos derechos no debe suponer una amenaza a la integridad territorial del Estado.

7. Las autonomías indígenas y los autogobiernos deben, dentro de su jurisdicción, asegurar el completo respeto de todos los derechos humanos, libertades fundamentales y participación popular en la conducción de los asuntos públicos.

8. La autonomía y el autogobierno pueden ser construidos sobre tratados, reconocimiento constitucional o previsiones estatutarias que reconocen los derechos indígenas. También es necesario que los tratados, convenciones y otros acuerdos constructivos introducidos en diversas circunstancias históricas, sean respetados, en la medida en que dichos instrumentos establecen y confirman la base institucional y territorial que garantiza los derechos de los pueblos indígenas a la autonomía y autogobierno.

9. La autonomía y el autogobierno son esenciales para la supervivencia y el desarrollo futuro de los pueblos indígenas y son la base para la cooperación internacional y los acuerdos legales bilaterales y multilaterales.

10. Los pueblos indígenas tienen el derecho de ser diferentes, considerarse a sí mismos como diferentes y ser considerados y respetados como tales, como fue reconocido en 1978 en la Declaración sobre Raza y Prejuicios Raciales.

11. Dentro de los Estados, la autonomía y el autogobierno para los pueblos indígenas, contribuye a un pacífico y equitativo desarrollo político, cultural, espiritual, social y económico.

12. Sujetos al libre deseo de los pueblos indígenas concernientes, la autonomía y el auto-gobierno, incluyen, *inter alia*, jurisdicción sobre o activa y eficiente participación en el proceso de decisión en cuestiones relativas a la tierra, recursos, medio ambiente, desarrollo, justicia, educación, información, comunicaciones, cultura, religión, salud, vivienda, bienestar social, comercio, sistemas económicos tradicionales, incluyendo la caza, la pesca, pastoreo, caza con trampas, recolección y otras actividades económicas así como el derecho a acuerdos financieros garantizados y, donde fuera aplicable, al gravamen impositivo para el financiamiento de dichas funciones.

13. Los acuerdos de autonomía y autogobierno tienen que ser fielmente respetados. Pueden ser sólo enmendados por un

nuevo acuerdo entre las partes del acuerdo original o de acuerdo con procedimientos *constitucionales o legales establecidos.*

14. Los acuerdos deberían realizarse para prevenir potenciales conflictos de competencia. Un mecanismo efectivo, independiente e imparcial para solucionar las disputas entre el autogobierno y el Estado debería establecerse por disposiciones constitucionales o por ley. Debería garantizarse, en este mecanismo, igual representación para el autogobierno.

15. Cuando las autonomías y el autogobierno son afectados por cuestiones ajenas a su jurisdicción, incluyendo la acción tomada por los gobiernos regionales y locales de los estados federales, deberían intervenir de cerca en la planificación de estas actividades y su consentimiento debería ser obtenido por los Estados antes de la implementación de estas actividades.

II

16. El Encuentro de Expertos recomienda a los Estados emprender, si aún no lo han hecho, revisiones periódicas regulares en conjunto con los pueblos indígenas a través de sus organizaciones, sobre los obstáculos relativos a la autonomía y el auto-gobierno y tomar las medidas acordadas para solucionarlos y promover procesos de total importancia para la construcción de la autonomía y el autogobierno.

17. El Encuentro de Expertos recomienda en los casos en que los Estados fronterizos pongan obstáculos para el libre movimiento, comercio y comunicación entre los miembros de las autonomías y autogobiernos indígenas, los Estados deben emprender acuerdos para eliminar estos obstáculos.

18. El Encuentro de Expertos también recomienda que los Estados deben considerar favorablemente la ratificación de instrumentos internacionales importantes para la situación de los pueblos indígenas, incluyendo el Convenio Internacional sobre Derechos Económicos, Sociales y Culturales, sobre Derechos Civiles y Políticos, y la Convención 169 de la OIT.

19. El Encuentro de Expertos recomienda que los Estados deben cooperar brindando los medios para la formación necesaria para asistir a los pueblos indígenas en su autonomía y autogobierno.

20. El Encuentro de Expertos invita a los gobiernos a apoyar, brindando los recursos adecuados, al Centro por los Derechos Humanos de las Naciones Unidas y la Oficina Internacional de Trabajo, a la publicación y distribución de un manual de autonomía y autogobierno.

21. *El Encuentro de Expertos recomienda* que los servicio de asesoría y de programas de asistencia técnica existentes dentro de las Naciones Unidas, deberían ser utilizados y ampliados, si es necesario, para financiar la capacitación de los pueblos indígenas y las instituciones autónomas y autogubernamentales.

22. El Encuentro de Expertos recomienda que la cuestión de derecho de los pueblos indígenas y su protección, deben afrontarse a partir de una base permanente dentro de las Naciones Unidas. El Encuentro recomienda a la Comisión de Derechos Humanos considerar la posibilidad de establecer mecanismos de control internacional para encargarse de los pueblos indígenas.

23. El Encuentro de Expertos recomienda que las conclusiones y recomendaciones del Encuentro sean consideradas entre los temas a ser incluidos en 1993, Año Internacional de los Pueblos Indígenas del Mundo.

24. El Encuentro de Expertos pide al Secretario General, difundir lo máximo posible este informe, recomendaciones y ponencias del Encuentro, incluyendo la distribución del informe y recomendaciones a la Asamblea General en su 47a. sesión, la Comisión de los Derechos Humanos en su 48a. sesión, la Sub-Comisión de Prevención de la Discriminación y Protección de Minorías en su 44a. sesión, y al Grupo de Trabajo sobre Poblaciones Indígenas en su 10a. sesión. Gobiernos y organizaciones competentes a nivel internacional, intergubernamental y no gubernamentales y organizaciones regionales y otros foros internacionales; y que el presente informe, recomendaciones y ponencias sean editados como publicaciones de las Naciones Unidas.

Vista de Nuuk, Groenlandia.
Foto: Jens Dahl.

¿Porqué los Guaraní Kaiowá se están matando?

Por: Georg Grümberg

Lo que primero llama la atención, en relación a los suicidios de los *pai*, en Paraguay, es que ocurren en mayor número justamente en las aldeas donde existe actividad misionera. De las 38 aldeas donde viven los *pai*, ocurrieron suicidios en cada cuatro, y de ésas, tres son alcanzadas por las actividades de la Misión Alemana Pionera para los nativos del Paraguay, en Pytypuku y Piraymi y la New Tribes Mission o Misión de las Nuevas Tribus, en la aldea Pirary. La ocurrencia de suicidios en cadena de los últimos ocho años entre los *pai* de Paraguay, fue por lo tanto, en comunidades donde el desequilibrio social es muy marcado y donde el malestar social y religioso generalizado tiene que ver con la influencia externa configurada básicamente por la actuación de organizaciones e iglesias misioneras evangélicas.

La única excepción ocurrió en la aldea de Tajy, donde murieron unas siete personas, como consecuencia de una fuerte crisis interna – un caso de rivalidad entre hermanos, con la utilización de un maleficio *paje vai*, contra un líder que fue considerado nocivo y contrario a la mayoría de su pueblo...

Desde Montoya

Montoya, un jesuita peruano que trabajó con los *guaraní* en el siglo XVII, registra la ocurrencia de muertes por ahorcamiento. Es el único registro histórico conocido de suicidios entre los *guaraníes*. Los suicidios ocurren en estados de depresión, por ellos llamados de *Vy 'ae'* y *Vy'a*, que quiere decir "estoy feliz, estoy con ganas de vivir" y es una expresión vital. *Vy 'ae'* y significa la ausencia de la alegría de vivir. Así es llamado ese estado depresivo que se observa en los candidatos a suicidios individuales.

Generalmente es una situación que ocurre con adolescentes o recién casados, y el "remedio" para curar ese estado depresivo individual es proporcionarles alegría en la vida diaria y alegría colectiva, a través de una danza ritual – el *kangui*. El *kangui* quiere decir dos cosas: materialmente es la *chicha*, bebida fermentada hecha de maíz con bajo tenor alcohólico; es también un concepto, una ocasión festiva donde se está junto, bailando, hablando mucho, bebiendo, comiendo, en fin, es la alegría social por excelencia. Cuando se habla de *kangui* se está refiriendo a dos cosas. Eso sirve para explicar un poco el alcoholismo entre los *guaraní*. El *kangui*, visto como "remedio" para esos estados depresivos, es entonces un momento donde se ingiere bebida con alcohol. Muchas de las personas que entran en este estado depresivo toman *cachaza*, ya sea directamente desvinculada del *kangui* como estado festivo. Sería una caricatura del *kangui* tomar *cachaza* y emborracharse porque, dentro de la semántica guaraní, el consumo de bebida alcohólica está conceptualmente ligado a ese estado festivo, social. Eso explica la búsqueda de ese "remedio", el alcohol, justamente en situaciones de fuerte presión.

El acto concreto de ahorcamiento es casi siempre igual y padronizado. Ocurre en un momento inesperado, con falta total de dramaticidad. Se ahorcan en árboles bastante pequeños, necesitando estar de rodillas y haciendo bastante esfuerzo para conseguir matarse.

Veamos, por ejemplo, el caso de Eulalio, en la aldea Tajy. Desde hace tiempo se encontraba en estado depresivo, pero no muy agudo, y nadie estaba esperando nada. Entonces, en cierta ocasión, casi a medio día, le dice a su mujer: "voy a los arbustos" (a hacer sus necesidades). O sea, salió para ir muy cerca de la casa. Fue y no volvió. Tras un tiempo, la mujer comenzó a llorar intensamente. Encontró al marido a veinte metros de la casa, ahorcado en un árbol, con una cuerda bastante fuerte, y arrodillado.

O sea, no es una decisión del momento, donde se tira al vacío y todo se decide en un instante. La decisión de matarse es totalmente clara y definitiva. Cuando se pregunta porque fulano se mato, ellos no entienden la pregunta. Dicen: *"omanose vointe"*, ("se quiso morir"). Es sólo eso y no precisa más explicación.

Querer morir es un hecho cultural importante para un *guaraní*, es una opción de vida, no de muerte. Para un cristiano sería opción de muerte porque se acaba todo. No se sabe ni el destino posmortem, ni si va para el infierno o para el cielo, es un peligro tremendo. Pero para un *pai*, que se identifica con su *"teko"*, con su religión, pasar para otro lado después de la muerte es un acto, inclusive, que cuenta con la comprensión de los demás, como se observa en el caso de los moribundos. Yo ya presencié diversas muertes de viejos y viejas que, junto con la familia, deciden morir, y todo el mundo, en calma, espera que esto suceda.

Mientras tanto, es evidente que es una cosa que también se critica mucho. El comentario que se hace es el siguiente: "el quería morir, ¿pero porqué no esperó? Va a morir de cualquier manera, no precisa tanta prisa, ¡espera un poco!" O sino,: "¿Ahora mismo? ¡Su mujer va a llorar porque precisa de un marido!" O sea, el diálogo interno de los *pai* no es de espanto ni de crítica personal. Está más en la línea de "¡qué desconsideración, qué prisa!"

Estos casos de personas en un estado psicológico especial son considerados esporádicos. Se admite el paso al otro lado, como solución posible. No hay un concepto de

"culpa", ni culpabilidad en la estructura *guaraní* de pensamiento religioso.

El pensamiento *guaraní* es de, con la muerte aquí en la tierra, pasar a la famosa "tierra sin males", *Yvy miarañ*. Su caracterización varía conforme la interpretación religiosa de cada grupo *guaraní* e incluso de la persona. En todas las religiones shamánicas existe libertad de interpretación teológica mucho mayor que en las religiones escritas. Entonces, por ejemplo, vi a un shamán guaraní que me dijo: "¡Bueno, tierra sin males! ¡Va a tener radio, televisión, se va a poder comer carne de lata, cocida!"

Suicidios en cadena

Hasta el momento, sólo mencioné hechos individuales. Ahora me gustaría pasar a los hechos relacionados con los suicidios en cadena, que son otra cosa. Yo no presencié suicidios en cadena en las tres comunidades, pero tengo información sobre como se da este proceso. Prácticamente comienza con una muerte que puede ser considerada individual. Al poco tiempo comienzan a ocurrir casos entre los amigos del muerto, generalmente del mismo grupo de edad.

Todas las sociedades *tupi-guaraní* tienen una organización social interna marcada por la actuación de grupos por edades. Verticalmente son grupos de edad; horizontalmente, "*o tekohá*". Es una esquematización válida para todas las sociedades *tupi-guaraní*. El grupo de edad tiene mucha importancia en la estructura social.

Generalmente es otra persona del mismo grupo de edad, son los jóvenes, los adolescentes, a veces parientes directos de los suicidas que pasan a matarse de la misma manera. Entonces la sociedad, "*o tekohá*", entra en crisis porque ya no se considera eso como crisis individuales. "*Tavyja*" es el término que designa ese estado colectivo. Viene de *tavy*, palabra usada coloquialmente para designar una tontería, un error, una cosa fuera de sentido común. Por ejemplo, se tiró tres veces a un mono y no se dio en el blanco, yo digo: "*¡Xe tavyte!*" ("que tonto soy, que error, que falla!"). El sufijo "*ju*" tiene la connotación de "dorado, resplandeciente, religioso". Cuando una comunidad entra en ese estado de "*tavyju*", todos entran en crisis. Cierta vez, un líder religioso de una comunidad me contó sobre un brote de *tavyju* que ocurrió hace años y a pesar de haber pasado tiempo, el comenzó a sudar, a temblar... Era evidente en función del brote, casi considerado como una enfermedad epidémica en la época.

Existen diversas formas de combatir esto. La forma principal por el momento es la de reunir toda la comunidad, especialmente los jóvenes y hacer un ritual para contratacar la enfermedad, que es espiritual, de las almas, y afecta a varias almas, como un peligro colectivo. Por eso, es necesario enfrentar colectivamente, danzando y contemplando todos los hechos de la creación. Buscan los espíritus auxiliares que ayuden. Entra en acción todo el mecanismo shamánico para defenderlos de ese mal.

Pero existe también otra posibilidad, más delicada, difícil de ser entendida por nosotros, que es la enfermedad "*paje vaí*" (maleficio, hechicera). Por ejemplo, si yo soy un *pa'i* (shaman), o "*nandenu*" (padre espiritual) de una comunidad y descubro, utilizando mi capacidad de shamán, a través de un sueño, que la causa es un maleficio causado por alguien, tengo la obligación de combatir con fuerza las personas que introducen el *paje vaí*. Esto puede llevar al asesinato. Este, como tal, también debe ser interpretado de manera diferente. Unos pueden decir "*é paje vaí*" (fue bueno, fue una ejecución necesaria). Pero seguramente otros dirán: "¡No! ¡Es mentira! ¡No fue *paje vaí*! Entonces se desencadena todo un malestar profundo; por eso, justamente un *pa'i* responsable debe cuidarse mucho al utilizar esa interpretación porque puede dar inicio a una serie de venganzas interminables. Los *pai* mismos dicen que si una comunidad entra en esta situación, lleva años recomponerse. Como en el caso de un *pa'i*, que tuvo dos hijos que se mataron y decía que lo mejor en ese caso, sería abandonar totalmente el *tekohá*, abrir otro y volver tal vez después de unos tres años.

Esas son las interpretaciones internas que capté. Ahora se comprende la dificultad de recomposición de la comunidad para la resolución de un problema con esas características contando con puestos indígenas definidos, superpoblados y sin posibilidad de cambio para otro lugar, justamente para escaparse de esa cadena de muerte-asesinato, que van de la mano.

La interpretación del suicidio en secuencia kaoiwá: el espacio vital mínimo

Haciendo una interpretación, identifico cuatro causas para los suicidios.

La primera es la del espacio vital. Existe un espacio mínimo vital para cada sociedad. Por ejemplo, un japonés precisa de un metro cuadrado para organizarse; un canadiense precisa de un kilómetro cuadrado, si no queda medio perturbado. Los *pai* están en el medio. Para realizarse precisan de un espacio adecuado. Basta ir hasta una aldea *pai* y ver que el patio frente a la casa forma parte de su área. No se puede concebir una casa sin un patio libre frente a ella. El patio forma parte de la casa y tiene que ser suficientemente grande para poder realizar la danza ritual y para observar cuando el sol se eleva. Entonces, si esa unidad de espacio vital es muy pequeña, las personas quedan obligadas a realizar las ceremonias que proporcionan el reequilibrio de la sociedad.

Dentro de la visión del bienestar, de "*tekopara*" de los *guaraní*, es preciso, constantemente, de una terapia de grupo. Se precisa, permanentemente de un moderador de la convivencia por parte de los *nanduro*, de los "*yvytaja*", de los *pa'i*, de los *moruvixa*, que son los líderes políticos, para concertar la comunidad. Es una organización que sólo funciona a base de consenso. Y son necesarios ciertos elementos constantes para obtener consenso. Dentro del sistema político *pai*, no hay otro modo que no sea una terapia constante para mantener el consenso. Sin el espacio vital para realizar las formas adecuadas de obtención del consenso, la cosa va mal.

Cuando hay una concentración muy grande de personas, existen dos salidas: o permanecen *guaraní* pero en una mala situación o se convierten en blancos, en bestias, en funcionarios de la FUNAI. En este último caso quedan posiblemente mejor, psicológicamente, como individuos, pero dentro de la comunidad, sufren mucha presión.

Es esto justamente lo que pasa en Dou-

rados, Caarapo y Amamháí, algunas de las áreas *kaiowá* en Brasil donde vienen ocurriendo epidemias de suicidios. Son los tres mayores centros de acumulación de la población *pai*. Es una población marginal, suburbana. Allá existe un desequilibrio social muy fuerte en cuanto a la propia cultura.

Mueren como guaraní

La segunda causa de los suicidios en cadena es justamente la falta de perspectiva, que se manifiesta de forma más aguda entre los jóvenes. Ellos están en el "stress" de decidir entre ser *guaraní*, pero sin espacio para tanto, o convertirse en blanco, pero sin aceptar ser o tener condiciones para esto. Creo que ellos se matan para continuar siendo *guaraní*. Si yo fuese *guaraní*, y no pudiese serlo, pero si pudiese morir como tal, yo prefería morir como *guaraní* para poder continuar existiendo en el sentido religioso y cultural. Ahora, como persona, puedo morir viviendo, pasando para el lado de los blancos. Puedo ser piloto de la FAB, pero estaría muerto en mi cultura, en mi sociedad. Entonces, el adolescente, que está en momento de decisión - "el ¿qué voy a hacer de mi vida?" – pasa por una crisis. Y si el no tiene la posibilidad de seguir viviendo como *guaraní*, pero tiene la voluntad de seguir siendo *guaraní*, la única solución lógica es matarse. Es por ahí que entiendo la falta de dramaticidad: se trata de una decisión muy radical que tiene que ver con el espacio y la cultura.

El protagonismo histórico

La tercera causa tiene que ver con el protagonismo histórico *guaraní*. En la cultura *guaraní*, especialmente en épocas de guerra, el protagonismo heroico es fundamental, apareciendo con gran importancia también en su mitología histórica. Se trata de lo siguiente: en una situación de guerra yo solamente puedo ser líder demostrando ser un héroe.

Como para la mayoría, de los *paí* la situación actual es considerada de conflicto, faltan canales culturales abiertos al protagonismo heroico necesario para legitimarse dentro de su comunidad. Entonces un paso a la vida después de la muerte es considerado como un acto heroico, eso es lo que escuché entre los jóvenes *pai*. Los viejos no concuerdan, pues, según ellos, frente a nosotros ellos siempre criticaron esa actitud, considerándola poco social. La tónica de las críticas de los viejos a los jóvenes era que "es muy fácil matarse, no es eso lo que se quiere". Pero los jóvenes, entre ellos, están de cierta manera admirando a sus colegas que se mataron diciendo: "Bien, fulano fue valiente, se atrevió".

El combate al "satanismo" y las terapias de reestructuración de los pai

La cuarta y principal causa de los suicidios en cadena es la influencia de las misiones. La misión evangélica, en el caso paraguayo, parte de la idea muy bien expresada que las prácticas religiosas shamánicas son literalmente satánicas, inclusive aquellas destinadas a un reordenamiento social en el caso de los suicidios. La actitud de los misioneros es decir que es pecado matarse, que es una "influencia de Satanás", que la culpa es de aquellos shamanes "endemoniados". Creo que hasta dicen que la culpa no es de fulano pero del "Diablo" que está dentro de ellos.

Hombre mbyá guaraní, Paraguay. Foto: Miguel Chase-Sardi

Por eso, como no se puede matar a los malos porque no sería cristiano, la única solución, según los misioneros, es hacer una línea divisoria absoluta. Por ejemplo, en Pyypuku existen cinco familias que adhirieron ahora a los misioneros, a estos les dicen: "nosotros somos cristianos humildes, somos minorías y estamos con Dios y quien está con Dios no pierde nunca porque el cielo está asegurado para nosotros. Pero nuestros hermanos están siendo llevados por los demonios, y la única forma de defenderse es rezando y haciendo una línea de separación absoluta de no-comunicación con los otros, justamente para no dejar entrar el mal en esta pequeña comunidad de "héroes cristianos".

No pueden danzar, beber "*kangui*", formar parte de los rituales, fumar (y el humo forma parte de las ceremonias shamánicas de los *mbya-guaraní*), y son gratificados, por esa incomunicabilidad, con bienes materiales y con la salvación divina. Se puede imaginar lo que significa eso en una sociedad que funciona a base de consenso. Es como un quiste, una herida abierta, perder una pierna, porque nada funciona. Todo está en una situación de degradación social tremenda, porque cualquier problema serio se debe resolver colectivamente, pero, por la falta de comunicación de cinco familias, no se tiene esa posibilidad. Pero tampoco se las puede dejar de lado. Si alguien no colabora, toda la sociedad no funciona. La lógica sería expulsar esas familias pero eso no lo permiten los misioneros. Aquí entra entonces, el poder político, material, la presencia misionera, que impide la expulsión del grupo. Esto ocurre porque los misioneros quieren que las familias, intencionadamente, se queden allá, hasta que toda la comunidad se convierta en sus fieles.

Es un conflicto premeditado, empujado por los misioneros. Consta que saben que el desequilibrio creado con los de ellos aumentó el alcoholismo y los suicidios, pero entienden esto como un problema social, locura de demonios... Creen que ese es el precio de la salvación, tienen que pasar por eso para, posteriormente, formar la primera comunidad cristiana, purificada. Entonces dejan que las personas se maten para purificar sus cinco familias.

Ahora, el papel de los misioneros es un factor fundamental para los suicidios entre los *guaraní*. No hay otra explicación para el hecho que, en 38 comunidades de los *guaraní* del Paraguay, donde cuatro de ellas tienen este problema de suicidios en cadena, existe actividad misionera en tres de ellas.

Perspectivas

En Paraguay, en términos generales, se puede decir que las comunidades están bien, no se puede hablar de faltas de tierras, ni de espacio ritual. Al contrario, cada dos años realizan rutinariamente el "*mitapypy*" (perforación de los labios de niños), que funciona como un fuerte afianzamiento de la cultura y de su religión, para lo cual los neófitos se preparan durante tres semanas con entrenamiento intensivo de danza y religión. No se puede hablar de declinación de la identidad étnica, cultural y religiosa. Sin embargo, el problema es que estos jóvenes adolescentes que no pasaron por el período de lucha por la tierra, no tienen esa sensación de

victoria que tienen los mayores. Los más viejos consiguieron retener 50 mil hectáreas para 38 comunidades, construyendo nuevamente el país de los *pai*.

Esos jóvenes, por lo tanto, que no pasaron por esto, tienen un contacto más positivo con la población paraguaya y brasileña y ya no ven un ideal de vida en la agricultura con vida ritual regular de los *pai* como satisfactoria. Existe una tendencia de los jóvenes a buscar otros oficios como chofer y todo lo que tenga que ver con la mecánica y manualidades. Los *guaraní* siempre se preocuparon de este tipo de habilidades. Esto es lo que se llama "*katupyry*", habilidades manuales profanas que los *guaraní* siempre buscan desarrollar. Son necesarias nuevas carreras, nuevas perspectivas de realización material y profesional que sean compatibles con esa búsqueda del desarrollo del *katupyry* de los *pai* y, al mismo tiempo, cree una respuesta a ese deseo de perspectiva profesional, de vida, que no sea conflictiva con el cuadro de la cultura tradicional. La idea de los *pai* del lado paraguayo es decir: "Para restablecer el equilibrio tenemos que ofrecer más conocimientos de tipo *katupyry* porque los otros conocimientos nosotros ya los tenemos; y los tenemos en exceso, funciona bien".

Llegamos a la conclusión que es importante abrir un espacio para vivir como *guaraní*, en comunión con la tierra, continuando por ejemplo con el proyecto "*Pai-tavytera*", asesorando a las comunidades. La vida social puede traer situaciones de depresión que todo ser humano pasa por lo menos, una vez en su existencia. Lo que buscamos es, dentro de ese espacio social, el equilibrio del consenso, la reafirmación cultural religiosa y el combate a la influencia misionera, comprobadamente nociva.

Georg Grümberg es antrópologo, en la Universidad de Viena, Austria, y la Universidad de San Pablo, Brasil. Estuvo siete años entre los guaraní de Paraguay. El presente artículo fue inicialmente publicado en Tempo e Presenca (CEDI) No. 258 julio-agosto de 1991. ❑

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Entrevista con Ariel Araújo:

Coordinador Alterno del Centro Mocoví »Ialek L'ava«

Por: Alejandro Parellada

Argentina, América del Sur

En camino a la Conferencia del Grupo de Trabajo sobre Poblaciones Indígenas en Ginebra, pasó por Copenhague Ariel Araújo, Coordinador Alterno del Centro Mocoví "Ialek L'ava". En una charla con IWGIA, Araújo afirmó que ésta es la primera vez que un representante del Centro Mocoví viaja a Europa para ponerse en contacto con diferentes organizaciones que puedan difundir la situación indígena argentina en general y del litoral del país en particular. A continuación trascribimos la entrevista que IWGIA mantuvo con Araújo.

A.P.: ¿Cuál es la situación actual del pueblo mocoví?

A.A.: Podríamos comenzar diciendo que el pueblo *mocoví* estuvo en guerra contra el Estado argentino hasta principios del presente siglo. En 1911 fue la última gran masacre efectuada por parte del ejército argentino contra los *mocovíes*, conocida como la "Masacre de San Javier" donde mataron 200 indígenas para quitarles las tierras. Esto ocurrió en la localidad de San Javier en la Provincia de Santa Fé.

La masacre de San Javier significó un shock para nuestra estructura política generándose así grandes emigraciones a otros puntos de la Pcia. de Santa Fé. Luego, en la década del 30, 40 y del 50, la presión policial y de empresas extranjeras ha generado una emigración muy fuerte de norte a sur en la Pcia. de Santa Fe. Muchas familias se han instalado en centros periurbanos, en torno a pueblos de 4 a 5 mil habitantes. Hoy, en todo Santa Fé existen aproximadamente 20.000 indígenas *mocovíes*. Las migraciones también han generado una perdida paulatina del idioma y ya hay una o dos generaciones que no hablan la lengua *mocoví* pero existe una fuerte corriente por recuperar el idioma. Este proceso de recuperación de la identidad no es sólo argentino sino que se extiende a toda América Latina. Se trata de recuperar instituciones como la política y la religiosa. En el caso *mocoví*, nosotros mantenemos nuestra religión tradicional a pesar de la influencia de ciertas iglesias cristianas, me refiero principalmente a algunas iglesias evangélicas de origen americano, pero la acción de éstas se encuentra hoy limitada ante la tendencia *mocoví* en recuperar su religión tradicional.

Pero, desde mi punto de vista, en estos momentos la cuestión de las tierras es el problema más grave que afronta nuestro pueblo porque al no tener tierras legalizadas nos es difícil planificar nuestro futuro, nuestro desarrollo.

La mayoría de nuestras comunidades están asentadas en tierras privadas donde siempre existe el riesgo de desalojo como ha ocurrido el año pasado en la zona de Reconquista en la comunidad de "La Lola" donde un grupo fue trasladado de un área a otra porque se encontraban en tierras de una organización católica. Toda esta situación hace que el tema de la tierra sea el más importante.

En Santa Fé los *mocovíes*, junto con otros grupos, compartíamos alrededor de 8 millones de hectáreas hacia 1853. En la actualidad no tenemos nada. No obstante, en los últimos años hemos comenzado a investigar documentos históricos. Hemos encontrado numerosos tratados entre el Gobierno de Santa Fé, el Gobierno Nacional y el pueblo *mocoví*. Leyes que destinan tierras del siglo pasado al pueblo *mocoví* pero que jamás fueron cumplidas. Nuestro interés es que el Estado cumpla con sus compromisos asumidos con el pueblo *mocoví*. Este sería un importante primer paso.

En el aspecto legislativo, la Pcia. de Santa Fé donde yo habito, tiene sancionada, desde el año pasado la ley 10.375, una ley provincial donde la Provincia se adhiere a la legislación nacional sobre comunidades indígenas. Hasta 1985 el gobierno de la Pcia. de Santa Fé negaba la existencia de indígenas en la provincia.

A.P.: ¿No crees que uno de los problemas argentinos es el no reconocer la presencia de comunidades indígenas en el país?

A.A.: Es verdad. En Argentina un gran sector de la población y gobierno niega la existencia indígena y siente su base cultural en Europa. Creo que Argentina es el país latinoamericano más europeizado. Esto hace que nuestra situación sea complicada. Durante muchos años la política exterior argentina afirmaba la inexistencia indígena en su territorio. Era muy frecuente escuchar en la ONU en Ginebra, en la Comisión de Derechos Humanos, cinco o seis años atrás, decir a los embajadores que en Argentina no había indígenas. Pero a partir que nosotros empezamos a aparecer como ahora, en el escenario internacional, es que volvemos a existir. La historia oficial argentina afirma que los indígenas fueron exterminados a principios de siglo. En realidad somos más de un millón y medio de indígenas en Argentina hoy en día.

La enseñanza oficial dice que los indígenas somos parte del pasado no del presente

ni mucho menos del futuro. Parte de la lucha política de nuestras organizaciones es revertir éso en la opinión pública y en la sociedad nacional, decir que estamos presentes, que somos pueblos diferentes pero es necesario que la Argentina, como Estado, nos reconozca como tales. Es por eso que la idea es pelear la situación dentro de la legislación nacional con miras a una futura reforma constitucional. En Argentina el estatus legal nuestro es el que establece la Constitución en el artículo 67 donde establece que el Estado argentino debe mantener trato pacífico con los indios y promover su conversión al catolicismo. Esa es ley de fondo para con nosotros, así que, en principio, nos mantenemos en estado de guerra con el Estado argentino de acuerdo con el espíritu de la Constitución.

A.P.: ¿Están ahora reconocidos como indígenas por parte del Estado?

A.A.: Ahora sí, pero es un proceso que nosotros hemos revertido por intermedio de nuestra presión y presencia pública permanente así como nuestros contactos con el gobierno. Así todo, no existe un reconocimiento oficial. En Santa Fé sólo existe la ley de comunidades indígenas pero no tenemos un reconocimiento explícito de la existencia de los indígenas como tales. En los censos nacionales, por ejemplo, no se especifica el origen étnico de las personas. Por eso es muy difícil definir, en Argentina, quien es indígena.

A.P.: ¿Has notado algún cambio por parte del gobierno tras la vuelta al gobierno civil?

A.A.: Hubo algunos cambios más bien de apertura, pero no en cuestiones de fondo. Nosotros seguimos siendo considerados por el sector político como grupos marginales, con poca capacidad electoral. Grupos a los que hay que dar limosnas para que sobrevivan. No planificar acciones serias ni mucho menos medidas que tiendan a la autonomía política o administrativa de los pueblos indígenas. Esta es una situación que se debe revertir.

A.P.: ¿Existe algún organismo estatal que se ocupe de la cuestión indígena?

A.A.: Existe una ley, la nr. 23.302, la Ley de Comunidades Indígenas que aprobó el Parlamento en el año 1985. El gobierno nacional encabezado por el entonces Pte. Raúl Alfonsín, la reglamentó 4 años después. Tras la reglamentación se produjo el cambio

de gobierno y el actual Pte. Menem parece que no tiene intenciones de aplicar la ley nacional. El gobierno tendría que crear el Instituto Nacional de Asuntos Indígenas pero hasta la fecha no ha sido creado. Sólo existe un departamento dentro del Ministerio de Acción Social que trata los asuntos indígenas.

A.P.: ¿Qué relación tienen con otras comunidades indígenas argentinas?

A.A.: Desde el año 1986, el Centro Mocoví en Santa Fé y la organización de los *guaraníes* están en contacto permanente, un proceso al que se han sumado otras organizaciones indígenas del Chaco como la del pueblo *toba*. Luego se han ampliado los contactos con otras organizaciones indígenas del país, pero es en la región litoral argentina donde se está trabajando en forma más unida. Nuestra idea es profundizar este proceso de unificación.

Por otro lado, en el sur de Argentina los *mapuches* están llevando adelante un proceso de unidad. Allí existen organizaciones muy antiguas como la Organización Mapuche Neuquina, que es una organización muy sólida en Neuquén. A largo plazo entendemos que es necesario conformar una organización nacional representativa porque por el momento Argentina no cuenta con una organización nacional indígena.

A.P.: ¿Y a nivel latinoamericano?

A.A.: Los *guaraníes* están trabajando con Brasil y Paraguay. En los últimos dos años nuestras organizaciones están tomando contacto con otras organizaciones indígenas latinoamericanas. Hay dos eventos en los que las organizaciones indígenas tienen que discutir y concertar acciones, me refiero a la Conferencia sobre Medio Ambiente en Río de Janeiro y los 500 de colonización. En Argentina todavía no hay una concertación pero el interés del Centro Mocoví y Guaraní es que antes de fin de año se llegue a una reunión de diferentes organizaciones indígenas argentinas, fundamentalmente del interior del país, para concertar actividades en relación a esos dos temas.

En cuanto a la Conferencia del 92 existen diversas reuniones preparatorias trabajando a nivel latinoamericano junto a otros sectores como son los ecologistas, organizaciones de derechos humanos y algunos sindicatos. Este año se ha participado en dos reuniones a nivel latinoamericano. En una de estas reuniones, en la ciudad de Las Leñas en Mendoza, se encontraban delegados de todos los países, incluso con la presencia de delegados de empresas. De los 400 participantes éramos sólo 4 indígenas pero a pesar de ser tan pocos, nuestro pensamiento se ha incorporado a la declaración final. Allí hemos discutidos varias cuestiones fundamentales en lo que hace al medio ambiente y desarrollo. Nosotros consideramos que América Latina debe buscar modelos propios de desarrollo. Desarrollo sustentable y que no sea destructivo del medio ambiente. Nosotros creemos que los modelos de desarrollo indígena deben ser tenidos en cuenta porque nuestros pueblos han desarrollado modelos económicos propios que no son destructivos como los de la economía occidental. Los modelos indígenas deben ser estudiados y profundizados.

A.P.: El Centro Mocoví trabaja junto a los guaraníes. ¿Nos podrías informar sobra la situación de los indios guaraníes en Argentina?

A.A.: A mi modo de entender la situación del pueblo *guaraní* de la Pcia. de Misiones es la más crítica del país en relación a Derechos Humanos y Derechos Indígenas. Durante 1986 se organizan las comunidades *guaraníes* de Misiones, debaten una propuesta legislativa y la proponen al Gobierno Provincial. Después de numerosas gestiones el Parlamento de Misiones aprueba esa ley en 1987. Esta ley, la 2.435, establece muchos puntos fundamentales para los indígenas. Se establece, en su artículo primero, el reconocimiento institucional de los *guaraníes* como pueblo y en la práctica le

está otorgando una semiautonomía dentro del Estado. En segundo lugar establece la devolución de territorios a nombre del pueblo *guaraní*. Esto es algo muy importante, la restitución de tierras ancestrales. Se establece una dirección de asuntos indígenas pero con la participación de un Consejo de representantes indios con amplios poderes. Este Consejo y de acuerdo a esa ley, podría vetar una decisión gubernamental que afectara a las comunidades indígenas. También creaba un programa de asuntos sociales, culturales, económicos, programas de desarrollo, salud y vivienda. Por último, establecía que el Poder Judicial debería tomar en cuenta las normas de derecho consuetudinario. Ha sido una legislación muy avanzada en Argentina.

Lamentablemente en 1987 se produjo un cambio político en la Pcia.. El nuevo gobernador implementa una política totalmente contraria a la ley y a los intereses indígenas, una política segregacionista. El Peronismo, en el Parlamento, se opuso a la sanción de esa ley. En 1988 el gobernador ordena suspender, en pleno invierno, todos los programas de asistencia social. Esto generó la muerte, por desnutrición, de más de 35 niños y ancianos. Lorenzo Ramos y otros dirigentes *guaraníes* lo calificaron como de genocidio solapado. En 1988 la acción gubernamental se intensifica contra los intereses indígenas. En 1989 una asamblea decide en el mes de marzo, efectuar una manifestación pública en Posadas, la capital de la Pcia. de Misiones, reclamando la aplicación de la Ley del Aborigen. El gobernador se niega a recibir a los indígenas y tras 10 días de manifestación, el gobierno acepta firmar un acuerdo donde se compromete a aceptar la legislación y entregar tierras.

Lamentablemente pasan los meses sin que se cumpla el acuerdo por parte del Gobierno. En setiembre de ese mismo año, los *guaraníes*, como iniciativa propia, presentan al Parlamento un proyecto de Ley de Restitución de Tierras, contemplando la restitución de 140 mil hectáreas al pueblo *guaraní* como acto de reparación histórica. Las comisiones parlamentarias solamente aprueban 15 mil hectáreas. El gobernador anuncia, ante la aprobación parlamentaria que va a vetar esa ley por lo que se comienza una segunda manifestación pública frente a la casa de gobierno pidiéndole al gobernador que aprobase la Ley de Restitución de Tierras y que se aplicase la Ley del Aborigen vigente. Luego de 10 días el gobernador promulga la Ley de Tierras pero no la Ley del Aborigen, continuando su negativa en recibir a los indígenas. Durante 35 días los dirigentes *guaraníes* permanecen frente a la casa de gobierno sin ser recibidos por las autoridades. El gobernador comienza entonces con declaraciones racistas queriendo generar conflictos étnicos diciendo que si se entregan tierras a los indígenas va a haber guerra entre indígenas y colonos de ascendencia europea pero no es la realidad, porque en general existen buenas relaciones entre los indígenas y los otros grupos étnicos. La manifestación se levantó ya que era imposible sostenerla durante tanto tiempo y porque para ese entonces el Parlamento cambiaba sus miembros.

En el mes de diciembre el gobernador cuenta con mayoría propia y al día siguiente del juramento de los nuevos diputados se envía un proyecto de ley derogando la Ley del Aborigen y suplantándola por otra. Curiosamente, en 15 días, tiempo récord para Argentina, las comisiones parlamentarias dan despacho favorable para dicha ley

Ariel Araújo de la tribu mocoví, Argentina, durante su visita en Copenhague en julio de 1991. Foto: Alejandro Parellada.

y ante esta nueva situación se inicia una nueva manifestación con huelga de hambre. Se implanta entonces la nueva Ley del Aborigen que es contraria a la anterior y en la práctica esta nueva ley está proclamando el principio de "apartheid" en Argentina porque cada comunidad se convierte en un *ghetto* donde el Estado planifica toda la actividad de los indígenas. Durante todo este período de movilización estuvieron presentes, la presión policial, las amenazas de muerte a dirigentes indígenas, la censura de prensa. Con la aprobación de la nueva ley, y ya en el año 90, el gobierno comienza con actitudes segregacionistas. En mayo del 90 con la excusa de que se va a cumplir un centro turístico cerca de las cataratas del Iguazú, la policía expulsa a una comunidad indígena, quemando totalmente la comunidad, destruyendo sus cultivos. Los indígenas fueron cargados en un camión y arrojados en un basural de la ciudad de Puerto Iguazú.

En las 15 mil hectáreas aprobadas por el Parlamento, el gobierno está instando a compañías privadas a instalarse en esas tierras. Se trata fundamentalmente de compañías madereras.

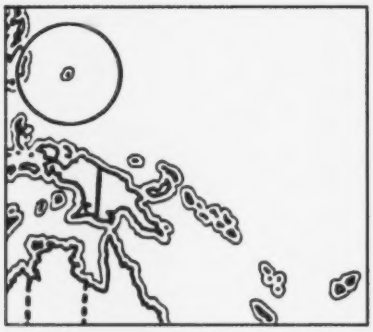
Los guaraníes han iniciado algunas acciones penales, principalmente por la quema de casas, pero la justicia en Argentina está controlada por el poder político por lo que es muy difícil avanzar en ese sentido.

A.P.: ¿Cómo te imaginas el futuro de los pueblos indígenas argentinos?

A.A.: Me los imagino con mayor independencia, mayor autonomía en relación a la sociedad nacional y mayor preservación de su identidad cultural. Espero que así sea. Creo que el futuro tiende a eso. Se está tendiendo a un fortalecimiento de la identidad cultural de los pueblos. Las crisis que se han generado en Europa del Este o la actual de Yugoslavia muestran que los pueblos necesitan una mayor identidad cultural, mayor independencia y autonomía. Creo que para la humanidad esta es la cuarta corriente renovadora que se aproxima a fines del presente siglo. Creo que es una corriente muy sólida, muy firme, que puede eclosionar cualquier sistema, ya sea comunista o capitalista. ❑

Petición del Consejo Administrativo de Palau

Por: Meikam Weera



Palau,
Pacífico Occidental

Damos las gracias a Usted Señor Presidente y a los distinguidos miembros de este Consejo Administrativo por la oportunidad de presentar hoy esta petición. Mi nombre es Meikam Weera. Represento a *Otil a Beluad*, un grupo de habitantes de Palau preocupados por el futuro de Palau. Me acompañan Seba Cosby y Anne Simon del centro de Derechos Constitucionales.

Agradecemos a las Naciones Unidas por su papel jugado en la finalización del estatus colonial de Palau hace 44 años y agradecemos al Consejo Administrativo por su continuo interés por nuestro país. Apreciamos el sistema democrático introducido a Palau por la Autoridad Administrativa (Estados Unidos). Aprovechamos esta ocasión especialmente para expresar nuestra gratitud a Morris Udall que recientemente ha dimitido de la Cámara de Representantes de los Estados Unidos, para ayudarnos a creer en este sistema democrático. Es nuestro firme compromiso con los ideales democráticos que me hace estar hoy aquí.

Desde la última sesión del Consejo Administrativo, el Consejo de Seguridad ha trabajado con el objetivo de poner fin al estatus administrativo de los Estados Federales de Micronesia, la República de las islas Marshall, y la Mancomunidad de las Marianas del Norte. La Administración de Palau permanece pero reconocemos que esta Administración no va a continuar para siempre. **Deseamos, tanto como lo desea la Autoridad Administrativa, terminar nuestra Administración. Sin embargo, la terminación tendrá que ser sobre una base firme que se encargue adecuadamente del futuro de Palau**; no debería suceder antes de su debido tiempo, sin considerar los problemas que una terminación precipitada podría crear a Palau.

Sabemos que mucha gente, incluso algunos funcionarios de la Autoridad Administrativa, opinan que el proceso de encontrar un acuerdo sobre el futuro estatus ha sido lo contrario de "precipitado". Sin embargo, **creemos que las acciones de la Autoridad Administrativa durante los últimos diez años presentando el Pacto actual de Asociación Libre como la única opción para nuestro futuro estatus, ha impedido el desarrollo y falseado la percepción de nuestras opciones**. La propuesta del Pacto ha sido rechazada en siete referéndum, durante tres gobiernos diferentes de Palau. **Nunca ha alcanzado la mayoría del 75% establecida por nuestra Constitución, que fue adoptada abrumadoramente por nuestros ciudadanos. Creemos, tal como lo hemos aprendido de la Autoridad Administrativa, que el respeto de las normas constitucionales es uno de los atributos más fundamentales de un sistema democrático responsable**; estamos orgullosos del hecho que, a pesar de varios obstáculos, nuestro país ha podido mantener sus mandatos constitucionales.

Respetamos los puntos de vista de la mayoría de los habitantes de Palau, que varias veces han votado por las propuestas del Pacto. Sin embargo, también reconocemos que mucha gente votó por el Pacto por miedo, intimidación, o ignorancia de lo que el Pacto realmente podría ofrecer. Esperamos que este Consejo anime a la Autoridad Administrativa a reconocer que Palau necesita tiempo para recuperarse después de los eventos tan difíciles y divisorios de los últimos diez años.

Estamos preocupados por el hecho que el reciente Decreto Ministerial, no. 3.142, el cual cambia la relación entre la Autoridad Administrativa y el gobierno de Palau, hará imposible la recuperación de Palau. **Todavía no comprendemos del todo el significado que el Decreto Ministerial pueda tener para Palau, pero sabemos que no conduce a un futuro independiente, aunque esto fue el objeto del sistema Administrativo. Como está escrito, este Decreto crea el marco de un sistema de gobierno directo desde Washington, sobre muchos asuntos, a despecho de la existencia del gobierno constitucional de Palau**. Quisiéramos hacer presentes al Consejo algunas estipulaciones del decreto.

En primer lugar, el decreto permite al Ministro Adjunto del Interior de los EEUU nombrar a dos funcionarios muy importantes del gobierno de Palau – el fiscal especial y el auditor público. Aunque el decreto hace algún intento de limitar las circunstancias por las cuales este poder será practicado, las limitaciones son muy vagas y poco convincentes, comparado con la importancia del poder que se le concede al Ministro Adjunto del Interior.

En segundo lugar, varias estipulaciones del decreto conceden al Ministro Adjunto del Interior un amplio poder para realizar transacciones económicas tanto del gobierno nacional como del gobierno estatal de Palau. Nos preocupa el hecho que el decreto estipula muy pocas normas oficiales para el uso de este poder vital del Ministro Adjunto, el cual puede ser abusado fácilmente. Esta falta normativa nos preocupa, no sólo porque no ayuda al gobierno de Palau a mejorar su administración fiscal; si no hay normas oficiales para cumplir y para comparar con lo que el gobierno realice, ¿cómo podrán los funcionarios de Palau aprender a evaluar y a mejorar su administración? **No queremos que nuestro gobierno pierda la posibilidad de dirigir sus propios asuntos, si se necesita ayuda, habría que ofrecer ayuda – no control**.

Deseamos también expresar nuestra preocupación por el hecho que el Decreto exige a nuestro gobierno recibir la previa aprobación de parte del Ministerio de Asuntos Exteriores de los Estados Unidos de todas las comunicaciones con las agencias de las

Naciones Unidas que no sean este Consejo, y también las comunicaciones con todas las otras organizaciones internacionales. Ya que Palau intenta construir un fundamento firme para su futuro, la Autoridad Administrativa debería animar a Palau a aprovechar de la pericia sobre desarrollo y asuntos ambientales de las agencias de las Naciones Unidas, y debería facilitar la posibilidad de obtener contactos con organizaciones internacionales. ¿No sería más honorable para la Autoridad Administrativa y este Consejo trabajar en forma unida, para asegurar los pasos finales de Palau hacia la autonomía presentando a los habitantes de Palau y a sus líderes a todas las agencias de las Naciones Unidas a disposición para asistirlos en lo que respecta al desarrollo económico y ambiental y preservación social y cultural?

Nuestra preocupación inmediata ahora, en Palau, es la preparación de un plan nacional de desarrollo, de carácter general, como consta en el Decreto del Ministerio. Estamos contentos de notar que las estipulaciones del Decreto no permiten la construcción de edificios en ninguna de las Islas Rock sin previa aceptación legislativa en Palau, lo cual es el primer reconocimiento formal por parte del Ministerio del Interior de los Estados Unidos, de que el medio ambiente de Palau es muy frágil y necesita mucho cuidado y protección. Sin embargo, tememos que las faltas de normas generales del proyecto de desarrollo, van a resultar en caos y deterioro ambiental en Palau. Necesitamos normas generales bien claras y realizables para la protección ambiental y también para el desarrollo económico. En lugar de eso, vemos que el Decreto del Ministerio presta mucha atención a cuestiones económicas y prácticamente no hace caso de nuestro recurso más valioso, nuestro ambiente.

Entendemos que dependemos mucho de la ayuda económica de la Autoridad Administrativa y que esto nos hace muy vulnerables a presiones económicas y también a presiones políticas. Queremos organizar un futuro sano y sostenible que refleje la integridad cultural de Palau y que nos permita integrar lo que hemos aprendido del pasado, lo que estamos aprendiendo ahora, y lo que tenemos que preservar para el futuro. Para poder realizar esto, **tenemos que cortar esta dependencia, a la cual la Autoridad Administrativa simplemente inyecta millones de dólares en la economía de Palau por medio de subvenciones anuales. Este sistema ignora y descuida nuestra constante necesidad de mejoras infraestructurales básicas, necesarias para un futuro económicamente independiente, tales como un servicio confiable de agua corriente y una adecuada red de carreteras a través de Babeldaob, la isla más grande de Palau. También necesitamos atención a nuestros preciosos recursos oceánicos, los cuales si se les da la mayor prioridad, y el desarrollo apropiado, podrían ser una base para nuestra economía. Hay que realizar estos proyectos de infraestructura que son tan necesarios, y también hay que realizar el plan general de desarrollo nacional, implementarlo, y hacerlo funcionar, antes de que termine la Administración.**

Por muy centrales que sean estas cuestiones del desarrollo, debemos hacer notar nuestra preocupación por un asunto importante, presentado en un cable que el representante del Departamento de Estado de los EEUU en Palau, envió a las Embajadas de los Estados Unidos en todo el Pacífico. Prácticamente enterrado entre una serie de comentarios mal informados, había un punto válido que dice que "el interés real y único de los Estados Unidos, en Palau, es el de la negativa estratégica, p. ej., asegurando que ningún otro poder pueda establecer bases militares aquí..." **Este también es nuestro objetivo – "la negativa estratégica" del poder militar de otros países en nuestro país, así como la prevención de la militarización de Palau de parte de los Estados Unidos.** Tememos que la presencia militar - cualquier presencia militar – en nuestras islas podría provocar agresión foránea, tal como la presencia militar de Japón en nuestras islas antes de la Segunda Guerra Mundial, condujo a acciones militares extremadamente destructivas. Fuimos víctimas de una guerra que no habíamos creado. Incluso hoy en día, la vida marina en áreas afectadas por la Segunda Guerra Mundial, está muerta para siempre.

Hoy día, oímos de individuos desplazados, familias, refugiados, y niños sin hogar, en varias partes del mundo, a causa de la guerra y actos inhumanos de parte de los gobiernos. Queremos la libertad de crear nuestro propio camino, trazar nuestro propio derrotero mientras que tengamos esta posibilidad, bajo el sistema de Administración de las Naciones Unidas; esto es, según nuestra constitución democrática y según las leyes internacionales.

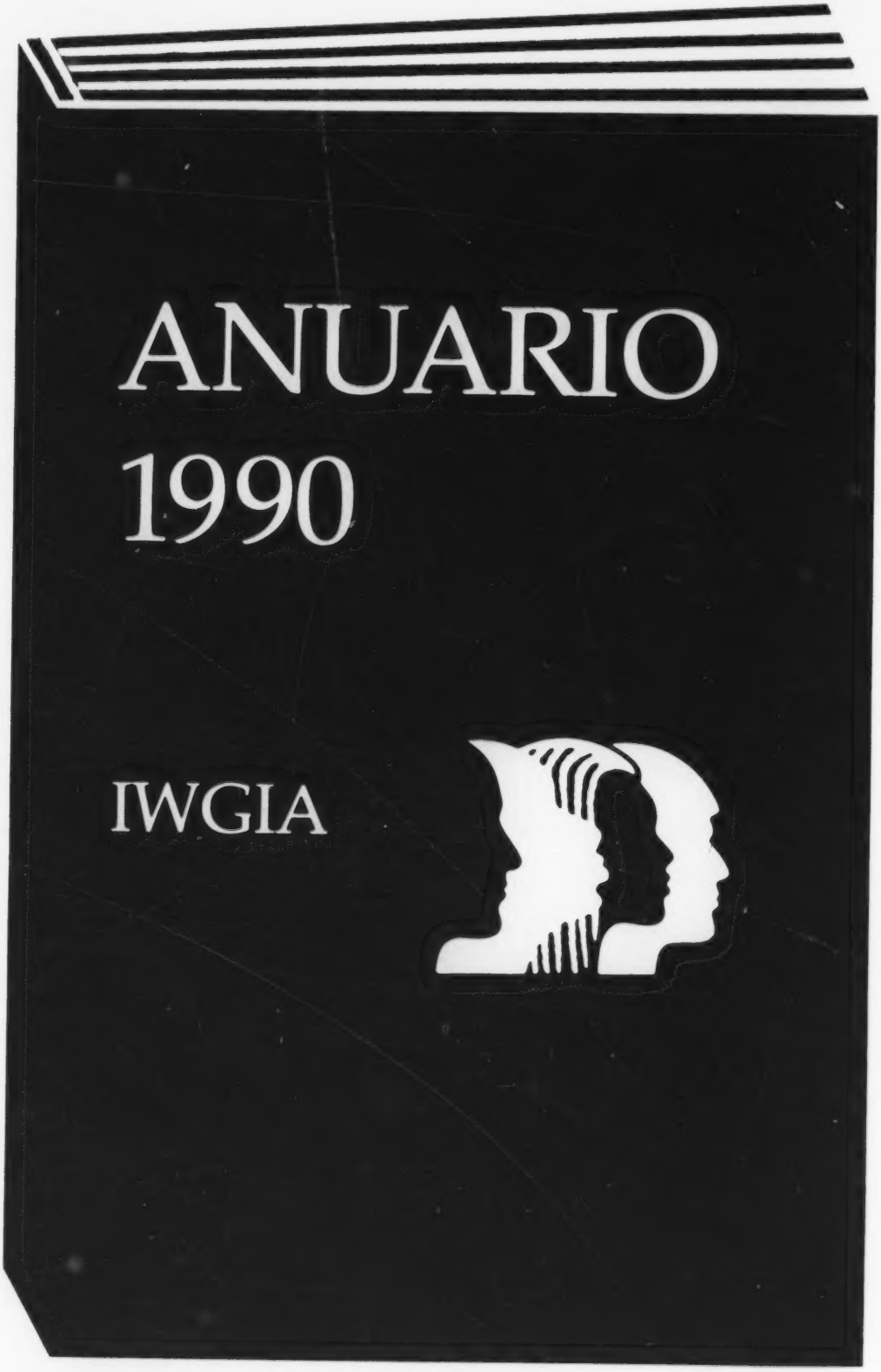
Decimos esto, no por desconfianza a la Autoridad Administrativa, sino para asegurar un estatus de independencia económica, en el futuro, con beneficios mutuos. **Este estatus de mancomunidad no parece procurar esa oportunidad, puesto que corremos el riesgo de ser una minoría en nuestro propio país. Tampoco queremos el estatus de un territorio, porque no queremos estar en servidumbre de otras naciones. No queremos que nuestro país sea un "plan de contingencia" de otras naciones.**

Pedimos al Consejo Administrativo:

1. *No recomendar la finalización del Acuerdo de Administración* para Palau, hasta que Palau no esté preparado, a su propio ritmo para intentar la finalización.
2. *Revisar el Decreto Ministerial no. 3.142*, redactado por el Ministro del Interior de la Autoridad Administrativa *para asegurar que sea consecuente con todas las obligaciones de la Autoridad Administrativa*, incluso con sus obligaciones de establecer instituciones políticas y promover un proceso hacia la autonomía o independencia.
3. Recomendar que la Autoridad Administrativa *renuncie o cambie las estipulaciones* del Decreto del Ministerial no. 3.142 y *que el Departamento de Estado de los EEUU aprueben todas las comunicaciones desde Palau a cualquier agencia u organización de las Naciones Unidas. Recomendamos al Consejo y a la Autoridad Administrativa que presten atención particularmente a las comunicaciones con aquellas agencias que se ocupan de la protección del medio ambiente y proyectos de desarrollo, de modo que la pericia, no solamente la de la Autoridad Administrativa, sino también la de las Naciones Unidas, sea aprovechada en el plan general de desarrollo nacional de Palau.*
4. Para asegurar que *Palau se transforme y permanezca siendo un participante activo en todos los aspectos del proceso de obtención de una real independencia y autosuficiencia*, incluyendo la consideración del logro de un nuevo estatus; estamos convencidos que las Naciones Unidas, y en particular este Consejo pueden y deben ayudarnos a encontrar un sistema que pueda evitar un control foráneo económico, político, y militar, de nuestra tierra y nuestras vidas.

Para terminar, yo quisiera compartir con Uds. un pensamiento que creo que expresa los sentimientos de mi pueblo. El poder de elección es un regalo divino confiado al "ser humano", y no debe ser forzado o impuesto por ninguna otra autoridad. Es un bien extremadamente delicado y sagrado que hay que defender contra cualquier forma de violación.

Fuentes: Pacific News Bulletin, agosto de 1991. ❑



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CSCE-CHC: Comunicado sobre la reunión paralela de CSCE-CHD en Moscú, 1991.

En el Congreso sobre la Dimensión Humana en el proceso de la CSCE, el Congreso Circumpolar Inuita, el Consejo Nórdico Saami, la Asociación de Pueblos Indígenas del Norte Soviético e IWGIA organizaron una reunión. Las tres organizaciones indígenas e IWGIA presentaron el siguiente comunicado:

Nosotros, los representantes de las Organizaciones de Pueblos Indígenas de la Región Circumpolar, a saber: la Conferencia Circumpolar Inuit, el Consejo Nórdico Saami, la Asociación de Pueblos Indígenas del Norte de la URSS, hemos redactado la siguiente declaración:

Afirmando que los pueblos indígenas así como otros pueblos, tienen el derecho a la autodeterminación y que con su libre albedrío tienen el derecho de determinar sus relaciones con los Estados basados en sus tierras,

Exigiendo a los gobiernos estatales que reconozcan y que concierten los derechos de pueblos indígenas a la autonomía, la tierra, los recursos renovables y no renovables, y que reconozcan sus derechos culturales, sociales y económicos,

Reconociendo que los pueblos indígenas tienen derechos colectivos, así como derechos individuales a la tierra y a los recursos y a desarrollar sus culturas particulares,

Exigiendo que no se separe, se venda o se expropie tierra, sin el consentimiento de los pueblos indígenas,

Exigiendo a todos los gobiernos que respeten los derechos territoriales de los pueblos indígenas, incluyendo los derechos a los recursos renovables, no renovables y del subsuelo,

Exigiendo que los pueblos indígenas no sean sometidos a ningún tipo de asimilación o integración forzada o involuntaria,

Observando que los gobiernos deben poner a disposición los recursos adecuados para cubrir las reales necesidades sociales, sanitarias, económicas y educativas de los pueblos indígenas,

Confirmando que los pueblos indígenas no estén expuestos a ningún tipo de discriminación,

Apelando a todos los estados Circumpolares a que respeten y que realicen eficazmente todos los acuerdos internacionales concernientes a los pueblos indígenas,

Exhortando a todos los Estados circumpolares a promover activamente los derechos de los pueblos indígenas en la redacción de una Declaración Internacional sobre Pueblos Indígenas la cual se está preparando en las Naciones Unidas.

Exhortando a todos los gobiernos a que incorporen los derechos de los pueblos indígenas, tal como ha sido adoptado en esta declaración dentro del proceso de la CSCE,

Exhortando a todos los gobiernos a apoyar activamente la participación indígena en el proceso de la UNCED y a apoyarles con todos los medios económicos necesarios.

Considerando el nuevo espíritu de cooperación iniciado por el proceso de la CSCE,

Nosotros, los participantes en esta reunión en Moscú, confiamos en que todos los gobiernos, en el futuro, darán todos los pasos necesarios para asegurar la cooperación entre los pueblos indígenas y entre los estados.

Firmantes: Vladimir M. Sangi, Leif Halonen, Ingmar Egede. ❑

Chittagong Hill Tracts: Carta del Vicepresidente del Parlamento Europeo, Wilfried Telkaemper, al Primer Ministro de Bangladesh

Parlamento Europeo
Vicepresidente
Wilfried Telkaemper
97–113, rue Belliard
MAE 726
1070 Bruselas / Bélgica

Primer Ministro
Sra. Begum Khaleda Zia
Oficina del Primer Ministro
Dhaka / Bangladesh

20 de setiembre de 1991

Estimada Señora Primer Ministro:

Como miembro de la Comisión de Chittagong Hill Tracts, visité Bangladesh en diciembre de 1990. La intención de este Comité por los Derechos Humanos, era investigar los alegatos concernientes a abusos de los derechos humanos por el ejército y por los colonos bengalíes contra los pueblos tribales que viven en las zonas de Chittagong Hill Tracts. Nuestra Comisión ha publicado un informe titulado "La vida no nos pertenece", en el cual describimos los resultados de nuestras investigaciones y expresamos nuestra profunda preocupación por las graves violaciones de los derechos humanos en Chittagong Hill Tracts.

Ahora, me han informado que la distribución de este informe en Bangladesh, crea problemas para las personas que están comprometidas con el tema de los derechos humanos. El señor S. M. Shaheedullah y el señor Rashedur Rahman Tara del Comité Nagarik de Bangladesh fueron intimidados e interrogados por el señor Tabibur Rahman de las Fuerzas Especiales Policiales y simultáneamente 960 copias impresas de nuestro informe, "La vida no nos pertenece", fueron embargadas.

Que yo sepa, en Bangladesh no han prohibido el informe sobre nuestra Comisión de Chittagong Hill Tracts, y por eso, la reimpresión y la distribución del informe no es ilícita. Por favor, tome en consideración el hecho que el viaje de nuestra Comisión, fue absolutamente legal y fue organizado con la ayuda de las autoridades de Bangladesh. Pero incluso si la distribución del informe es ilícita, esto constituiría una grave violación del derecho humano fundamental de libre expresión y el libre acceso a cualquier información.

Por eso, protesto enérgicamente contra la intimidación e interrogación de las personas antes mencionadas, el señor Shaheedullah y el señor Tara. Les pido tomar las medidas que encuentren apropiadas para impedir a las Fuerzas Policiales Especiales y otras autoridades de Bangladesh, intimidar e interrogar a los ciudadanos de Bangladesh a causa de este informe.

En el caso que el informe de la Comisión de Chittagong Hill Tracts se prohiba, de un modo o de otro, les ruego me lo hagan saber.

Mis colegas de la Comisión, exhortan a Usted y a su gobierno que pongan fin a las violaciones de los Derechos Humanos en Chittagong Hill Tracts y conectadas a la distribución de nuestro informe. Hasta ahora, los países europeos y el Mercado Común han recibido este informe con mucha consideración. Estoy seguro que los gobiernos

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nacionales y la Comisión Europea están observando con particular atención la situación de los Derechos Humanos en Bangladesh y que van a tomar decisiones concernientes a las relaciones con su países, a la luz de esta situación.

Saluda a Usted muy atentamente,

Wilfried Telkaemper ❑

URSS: Demarcaciones en el norte soviético

En un encuentro del Consejo Territorial Tyumen *(Oblastnoj)*, se decidió establecer áreas de prioridad para el uso de la tierra, y estas áreas fueron designadas y definidas.

Hace un año el periódico Izvestiya escribió por primera vez sobre la posibilidad de futuras áreas de prioridad para el uso de la tierra en la región de Yamal-Nenetsky *(okrug)*, la región de Khanty-Maansiisk *(okrug)* y el distrito Uvat.

La necesidad de establecer estas "zonas especiales" nunca fue cuestionado en el territorio *(oblast)*. La intención fue de crear áreas en el norte, donde los pueblos indígenas puedan trabajar en sus ocupaciones tradicionales: cría de renos, caza y pesca. Esto implicaría la no admisión de brigadas de perforación, madereras, trabajadores de la industria del gas, geólogos y constructores.

Los pequeños pueblos del norte tendrían entonces la posibilidad de vivir tranquilamente, trabajando y desarrollándose.

"Creo que es una de las decisiones más importantes tomadas hasta ahora por el Consejo Territorial *(Oblastnoi)*", dice A. Filippov, trabajador de una granja colectiva de renos. Ahora el reclamo de los pueblos indígenas ha ganado poder jurídico. Confío que las zonas especiales se transformen no sólo en sitios de recuperación social para los pueblos del norte sino también lugares para el crecimiento económico de nuestro territorio multinacional *(oblast)*.

Fuentes: Izvestyia, 4 de marzo de 1991. ❑

Brazil: Demarcación del territorio Yanomami

En pocos días vence el plazo para que el gobierno brasileño se pronuncie sobre la demarcación del territorio *yanomami*. La FUNAI (Fundación Nacional del Indio) definió dicha área en 9,4 millones de hectáreas.

Los últimos ocho meses fueron marcados por la muerte de indígenas a causa de malaria, tuberculosis y enfermedades venéreas en el área *yanomami*, aparte de tres conflictos entre buscadores de oro *(garimpeiros)*, agentes de la Policía Federal y de la FUNAI. El pasado 30 de setiembre, el presidente de la FUNAI informó que todavía existen unos 500 buscadores de oro en el área *yanomami*.

Por otro lado, Venezuela transformó los 83.000 km2 del territorio *yanomami* en área de preservación. El presidente venezolano Carlos Andrés Pérez firmó en la primera quincena de setiembre dos decretos que transforman el área de los 14.000 *yanomami* que viven en Venezuela en Reserva de la Biosfera y en Parque Nacional. Pérez garantizó que "el proselitismo religioso así como la colonización y la minería serán eliminados del área *yanomami*".

Fuentes: Aconteceu 4/10/91. ❑

Guatemala: Reunión por los 500 años

Entre los días 7 y 12 de octubre unos 200 delegados de todo el continente americano se reunieron en Quetsaltenango, Guatemala, en el II Encuentro Continental de la campaña "500 años de resistencia popular indígena".

La reunión de Guatemala tuvo, entre otros, los siguientes objetivos:
– Realizar una reflexión profunda sobre "el significado de los 500 años de invasión europea y la historia negada a nuestros pueblos";
– Debatir los elementos de "un proyecto alternativo que dé respuesta a nuestros problemas actuales, que recupere la dimensión de la relación hombre-naturaleza";
– Establecer un plan de acción articulado con nuestro proyecto político, que posibilite un proceso continental de movilización, destinado a revindicar los derechos históricos de nuestros pueblos".

Aparte de estos objetivos, el II Encuentro Continental debatió cuestiones como la de los Derechos Indígenas, Autodeterminación, Unidad Indígena y un plan de actividades para 1992.

Fuentes: Poramtim, octubre, 1991. ❑

PREPCOM: Comité Intertribal lleva propuesta a Ginebra

El Comité Intertribal "500 años de Resistencia", con la participación de líderes indígenas de Brasil, Panamá y Bolivia preparó la "Tesis Indígena sobre Medio Ambiente y Desarrollo", documento que fue presentado ante el tercer período de sesiones del PREPCOM (Comité Preparatorio de la Conferencia de las Naciones Unidas sobre Medio Ambiente y Desarrollo) en Ginebra del 12 de agosto al 4 de setiembre.

El documento propone que la ONU recomiende a los gobiernos miembros que tomen en cuenta en las próximas reuniones preparatorias de la UNCED-92, lo siguiente:

a) Todo proceso de elaboración de políticas dirigidas a las Naciones Indígenas debe contar con la participación y la coordinación directa de sus miembros en la toma de decisión, tanto a nivel internacional como nacional.
b) Para garantizar el respeto a nuestra autodeterminación y a nuestro sistema de organización, los gobiernos deben reconocer y aplicar las políticas de derechos humanos, territoriales, culturales y espirituales.
c) Los gobiernos deben garantizar y apoyar la revalorización de nuestra tecnología y modelos económicos, que nos permitan crear nuevas fórmulas de explotación equilibrada de los recursos de nuestras principales culturas.
d) Los procesos de reforestación deben respetar los habitats naturales de las especies, su biodiversidad y el medio ambiente.
e) Se debe dar prioridad a los estudios y la promoción de la práctica indígena en el uso de la naturaleza, como educación ambiental, por ejemplo; evitar las quemas que causen erosión; substitución del uso de pesticidas por plantas aromáticas y medicinales.
f) Al promover el desarrollo autosostenible, se debe tomar en cuenta las nuevas necesidades de los pueblos indígenas en relación de intercambio con la sociedad en la cual están inmersos, como el aprovechamiento de los productos excedentes.

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g) Los sistemas educativos deben reconocer y desarollar la cultura indígena y ambiental, a través de incentivos e intercambio entre los pueblos, tomando en cuenta sobre todo los aspectos pluriculturales y lingüísticos, valorizando la ciencia indígena.
h) Se deben consolidar los derechos de los pueblos indígenas sobre su propiedad intelectual, la biodiversidad de las áreas que ocupan, sus usos científicos, técnicos y económicos.

Fuente: Informe Jurídico. Agosto de 1991. ❑

Brasil: Más suicidios entre los indios Kaiowá

Los suicidios en cadena entre los indios *guaraní kaiowá*, que viven el Mato Grosso do Sul, cobraron dos nuevas víctimas en el mes de julio. Ambos, menores de 30 años fueron encontrados ahorcados como ha sucedido con los otros 10 indígenas *kaiowá* que se quitaron la vida en lo que va del año. En 1990, más de 20 indígenas se suicidaron y unos 40 intentaron suicidarse.

En este Boletín, publicamos un análisis sobre las razones de los suicidios en el artículo titulado: "Por qué los Guaraní Kaiowá se están matando?"

Fuente: Aconteceu 8/91 ❑

Camerún: El futuro inseguro de los pigmeos Baka

El futuro de los pigmeos *baka* de Camerún está amenazado, ya que el Banco Mundial está considerando proporcionar un préstamo de 30 millones de dólares para financiar la infraestructura de la explotación forestal de 3,5 millones de acres de selva húmeda primaria que ha sido el territorio de este tribu indígena seminómada.

El área también tiene una abundancia de fauna que incluye grandes mamíferos como elefantes, búfalos de la selva y gorilas.

Durante el periodo lluvioso, los pigmeos pasan la mayor parte del tiempo desplazándose por las selvas, y durante los períodos secos se establecen en sus pueblos.

Los pigmeos *baka* no tienen títulos territoriales. El gobierno de Camerún require que para poder calificar para procedimientos de titulación habría antes que convertir a los territorios selváticos en tierras agrícolas.

El préstamo del Banco Mundial financiaría la explotación forestal en el sur donde las selvas originarias aún están relativamente intactas. El propuesto camino de 600 kilómetros se abriría a través de la parte originaria aparte de la zona que el gobierno ha prometido preservar para conservación. Como en muchos casos en otras partes de Africa, los pigmeos no tendrán ningún derecho a entrar o utilizar el área de conservación.

Su futuro está amenazado por la explotación forestal y la expansión agrícola en sus territorios. No tienen adonde ir y su futuro está amenazado.

Fuentes: Rain Forest News, junio de 1991. ❑

Cólera: Continúa la epidemia en América Latina

Se siguen registrando nuevos casos de cólera en toda América Latina. La epidemia fue por primera vez diagnosticada en Perú el 22 de enero para luego expanderse rápidamente por la zona costera y amazónica. Desde entonces más de 250.000 peruanos han sido afectados por la enfermedad, de los cuales 3.000 han sido víctimas fatales.

De Perú el cólera pasó a Chile, Bolivia, Brasil, Colombia y Ecuador donde se registraron unos 30.000 casos. En junio la epidemia alcanzó Méjico y en agosto Guatemala.

A mediados de septiembre las autoridades panameñas tenían registrado 120 casos de cólera. La mayoría de las víctimas son miembros de la comunidad indígena *embera-waunan* que habitan en la selva Darién. Justamente en esta región las condiciones sanitarias son muy deficientes y el índice de desnutrición infantil alcanza el 60%.

Fuente: IPS 20-9-91 ❑

Bougainville: Tropas impiden la llegada de medicinas

Las Fuerzas de Defensa de Papua Nueva Guinea, están impidiendo la llegada de medicinas, vacunas y de personal de la Cruz Roja Internacional a la isla principal de Bougainville, en la cual, se estima que hasta 12.000 niños están en riesgo de contraer enfermedades evitables.

A las agencias de ayuda de Australia también se les impide implementar programas de ayuda y de restablecimiento, aunque el Gobierno de Nueva Guinea les concedió el permiso para entrar en Bougainville, desde hace más de seis meses.

En el último incidente, el domingo pasado, vacunas de inmunización absolutamente necesarias para los 6.000 bebés nacidos desde que la isla fue bloqueada, hace casi 18 meses, fueron descargadas en el viaje a la isla por las Fuerzas de Defensa de Papua Nueva Guinea.

Funcionarios internacionales de la Cruz Roja, han afirmado que ésta fue la segunda vez que fuerzas de seguridad con base en la isla de Buka, habían quitado y destruido botiquines con vacunas contra sarampión, destinados a la isla principal donde los médicos temen que un surgimiento de la enfermedad sea inminente.

Los delegados del Pacífico de la Cruz Roja Internacional, Sr. Xiaohua Wang, dijo a "The Age" que la organización ahora estaba considerando abortar su programa de ayuda urgente para Bougainville, un programa que vale $300.000, porque se han gastado casi todos los fondos.

"No estamos nada contentos con la situación en este momento, porque nuestras operaciones están paralizadas mientras la situación en Bougainville se pone peor cada día".

La Cruz Roja ha tenido tres delegados médicos y medicinas por un valor de $60.000, en espera en Rabaul durante un período de seis meses.

Mr. Wang dijo que denegando el acceso a Bougainville, el Gobierno de Namallu ignoró totalmente el mandato concedido a la Cruz Roja Internacional por Papua Nueva Guinea cuando firmó los Principios y las Reglas de Ayuda en caso de Desastre de la Cruz Roja y la Media Luna Roja.

El gobierno australiano que ha proporcionado $250.000 a agencias de ayuda de Australia para trabajo auxiliar, también ha presionado al gobierno de PNG en la cuestión del acceso, el cual ha estado bloqueado y no bloqueado alternadamente desde que rebeldes separatistas hicieron una declaración unilateral de independencia, en el mes de mayo del año pasado.

El señor Namallu, primer ministro de

· ULTIMAS NOTICIAS · ULTIMAS NOTICIAS ·

Papua Nueva Guinea, su ministerio y la Fuerza de Defensa no estuvieron dispuestos a hacer comentarios sobre el asunto.

Pero, se supone que el mes pasado, el Gabinete, ha aprobado pero no anunciado una nueva política sobre organizaciones no gubernamentales, que no permite la entrada a ninguna zona del país que no esté bajo el control del Gobierno.

La semana pasada, nuevas conversaciones con los líderes de Bougainville, fueron aplazadas indefinidamente.

El secretario provincial de la provincia de Salomón del Norte, el señor John Siau, ha dicho a "The Age" que Bougainville se encontraba "inundada" de medicinas.

Dijo que, en la isla principal, 25 hospitales estaban funcionando y más de 157 profesores recibían sueldos.

Pero funcionarios de ayuda de la Cruz Roja y de Australia, han dicho que si bien algunos tipos de medicina han sido proporcionados a la isla de Buka por las autoridades de Papua Nueva Guinea, sólo una pequeña cantidad de medicina llegó a los extremos norte y sur de la isla principal.

"En el centro donde la mayoría de la población vive, no llegaron suministros y donde la gente ha sufrido gravemente a causa del bloqueo", dijo el señor Wang.

El director de la Ayuda Católica Australiana, el señor Denis Tamplin, también afirma que muy pocas medicinas llegaron a Bougainville.

El señor Tamplin dice que a un farmacéutico financiado por Australia, que ha esperado en Rabaul durante un período de tres meses, le han prohibido el acceso a la isla.

Una gran preocupación de las agencias, es la falta de inmunización para los 12.000 niños menores de cinco años, que se calcula que hay en la isla.

La última inmunización completa de niños fue en 1989.

Un informe para la Cruz Roja Internacional, redactado por el doctor Charles Loubal, en la capital de la isla, Arawa, el mes pasado, advierte que Bougainville, dentro de poco tiempo podría afrontar una epidemia de sarampión.

Normalmente, la enfermedad surge en la isla, en ciclos de tres años. El último surgimiento fue en 1987 y en 1988.

El señor Wang, ha dicho que la Cruz Roja va a decidir dentro de los próximos quince días, sobre el futuro del programa de Bougainville.

El gobierno australiano, ha concedido $100.000 al Fondo de la Cruz Roja de Bougainville, el Mercado Común ha concedido $100.000, y el gobierno de Nueva Zelanda ha concedido $N760.000.

Fuentes: The Age 14/10/91, por Mary-Louise O'Callaghan. ❑

Reunión de San Sebastián: Derechos Indígenas como parte importante de un Nuevo Movimiento de Base.

Por: Claus Oreskov

Desde el nueve hasta el doce de octubre, la Alianza de Pueblos del Norte por el Medio Ambiente y Desarrollo, que representa a más de 8.000 organizaciones de base, celebró una reunión en San Sebastián, España. La Alianza se constituyó como parte del proceso alternativo de la UNCED (UNCED = Conferencia de las Naciones Unidas sobre el Medio Ambiente y Desarrollo) incluyendo organizaciones de base y ONG de toda la región de la ECE (Europa, la Unión Soviética, Canadá, y los Estados Unidos). En la reunión en San Sebastián, la Alianza obtuvo su nombre formal, y sus estatutos. Además, se aprobó un Marco Político que será la base común y la identidad de la Alianza.

El Marco Político tiene algunos puntos importantes que subrayan los Derechos Indígenas directamente:

- "un reconocimiento de los derechos indígenas a la vida, tierra, cultura, autodeterminación y soberanía. Esto también incluye el derecho de usar los recursos renovables y no renovables de manera sostenible para fines sociales, culturales y económicos."

El reconocimiento de los derechos de los pueblos indígenas a la soberanía y autodeterminación es mucho más completo que las propuestas concernientes a pueblos indígenas, presentadas por los estados nacionales a la Comisión Preparatoria de la UNCED. Canadá, Australia, Nueva Zelanda y Dinamarca han recomendado a la Comisión Preparatoria respetar y prestar especial atención al estatus particular de los pueblos indígenas y su rol en un contexto del medio ambiente y desarrollo. El hecho que existe una relación íntima entre desarrollo y autodeterminación y soberanía de un pueblo, no es mencionado por estas naciones, sin embargo. Por eso esperamos que las 8.000 organizaciones de base que ahora han aprobado un Marco Político, que subraya el derecho a la autodeterminación de los pueblos indígenas, también harán lo posible para que los estados nacionales introduzcan estos derechos en el proceso de la UNCED.

La mayoría de los miembros de la nueva alianza son grupos activistas por el medio ambiente. Por eso nos sorprende en manera positiva que se hable de los derechos de los pueblos indígenas a utilizar recursos renovables y no renovables para fines económicos. Esto indica en realidad, el reconocimiento de los derechos a la caza y la caza de focas, ballenas y animales peleteros con el propósito de poder exportar estos productos. Esto no debería ser un problema, pero como todo el mundo sabe, los movimientos por la protección del medio ambiente han hecho todo lo posible, durante décadas, para arruinar la base de existencia de los cazadores árticos, estropeando el mercado para sus productos. Las organizaciones que se preocupan por el medio ambiente y que han sido muy activas en el Artico, normalmente reconocen sólo la pesca y la caza para el consumo directo. Según esta filosofía, no es la base material sostenible lo que más cuenta sino el principio de autoconsumo. La nueva Alianza pone en claro que para ellos, lo que cuenta es la base sostenible. Hay que notar que los movimientos de la protección del medio ambiente, que durante muchos años han sido una amenaza para los pueblos árticos, no están representados en la nueva Alianza, y si solicitan la calidad de miembro tendrán que aceptar el Marco Político.

Otro punto en el Marco Político, también podría concernir a los pueblos indígenas:

- "Recompensar en forma justa a las poblaciones locales por todos los beneficios derivados de sus conocimientos y recursos. Esto incluye derechos ("royalties") vigentes". ❑

Informes y Declaraciones del Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas:

9. Sesión GINEBRA 1991

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Amenaza minera

Por: Kirstie Parker

La numerosa delegación aborigen acudió a Ginebra con un hacha afilada. En Australia, las tierras aborígenes están bajo amenaza por parte de la minería, tal como Kirstie Parker informa desde Cairns, Queensland.

Junio de 1991 fue un mes histórico para los aborígenes de Australia. Fue cuando Coronation Hill, en el Parque Nacional de Kakadu, en los Territorios del Norte, fue ganado.

Siendo el territorio tradicional de unos 300 aborígenes *jawoyn*, el área había sido durante años el centro de una controvertida propuesta minera aurífera.

Pero, el 18 de junio de 1991, el Consejo Federal tomó la decisión de prohibir la minería en el área. La decisión fue considerada por los aborígenes como un importante signo de respeto por parte de un gobierno laborista – quien en el mismo mes renunciaba a nuevos intentos de establecer leyes de derecho territorial.

Antes de esta decisión, el prominente Consejo de las Tierras del Norte con base en Darwin, actuando en nombre del pueblo *jawoyn*, opuesto a la minería, escribió al Primer Ministro, Bob Hawke, "Se convertirá en un símbolo del respeto de nuestro gobierno a nuestras creencias religiosas y a nuestros sitios sagrados, o un símbolo de su desprecio por los pueblos aborígenes."

El debate de Coronation Hill fue observado por intereses mineros y comerciales quienes lo consideraban cómo una prueba del compromiso del gobierno con respecto al desarrollo. Se hicieron advertencias sobre ramificaciones internacionales, de que la credibilidad de Australia como un país rico en recursos, dónde la inversión comercial aparejaba beneficios lucrativos, disminuiría.

Pasará algún tiempo antes de que esas predicciones puedan ser completamente constatadas. Mientras tanto, los aborígenes preguntan "¿Cuánto tiempo pasará hasta la próxima Coronation Hill?"

Hay muchas posibilidades. Actualmente, los aborígenes de la región de Pilbara en Australia Occidental están siendo involucrados en disputas con compañías mineras que desean iniciar operaciones de explotación de hierro y bauxita.

Con su historial de completa falta de contemplación con respecto a las necesidades de las comunidades aborígenes, no es de asombrarse que las compañías mineras se enfrenten a reticencias para negociar. Los recuerdos de los ancianos están todavía claros. Permanecen inflexibles en la convicción de que la retención de tierras aborígenes es equivalente a la retención de la cultura aborigen. El conocimiento de esa cultura es considerado como una educación – y una necesidad – para la vida.

El Consejo de las Tierras del Norte, después de negociaciones con las compañías asociadas de Coronation Hill, finalmente se retiraron de las discusiones – expresando al gobierno que estaban cansados de hablar. Quizás el intento de consultas más amplias ha llegado demasiado tarde – y todavía ofrece poca recompensa.

La mayoría de las operaciones mineras de Australia están localizadas en las remotas regiones septentrionales, previamente habitadas casi exclusivamente por aborígenes. Desde los años 50 ("la segunda invasión") esas compañías habían generalmente fracasado en el uso adecuado de voluntarios aborígenes locales como empleados, prefiriendo en cambio reclutar en otras regiones. Los programas de empleo son limitados. Mientras que es cierto que algunos aborígenes puedan no reunir los requisitos educativos necesarios para algunos trabajos en la industria minera (o ni siquiera los deseen), los intentos u ofertas para ayudarlos a alcanzar esos niveles en las bien financiadas escuelas de los pueblos mineros, son inadecuados.

Los beneficios económicos provenientes de compromisos con las compañías mineras (p.ej., derechos o "royalties") pueden ser tentadores para aquellos que conocen la pobreza demasiado bien. Esos compromisos en Australia están llenos de problemas.

La decisión sobre Coronation Hill tuvo lugar después de un informe de la Comisión Asesora de Recursos. Concluía que la acti-

Mapa de Australia

vidad minera no afectaría la sensible zona de captación del Río South Alligator, en Kakadu. Pero ofendería seriamente a la creencia de los *jawoyn* de que el área es el territorio de la mítica criatura soñadora "*Bula*".

Más adelante, un consultor de la Newcrest Mining, John Moriarty, escribió en la revista Australian Bulletin, sugiriendo que a los *jawoyn* no se les permitía "comprometerse libremente en un real proceso de negociación."

Un *jawoyn*, Andy Andrews, escribió al Primer Ministro Hawke afirmando: "Mi pueblo quiere trabajos y un futuro para nuestras familias. Los *jawoyn* siguen apoyando la minería. Dígame que le voy a decir a los 140 aspirantes a empleos y a nuestros empleados *jawoyn* si esta mina se detiene. El proyecto de Coronation Hill dio esperanza a estas gentes y una chance de aprender y trabajar y tener algo de dignidad." La carta fue acompañada de una petición de apoyo a la mina, aparentemente firmada por 92 *jawoyn*.

Este tipo de divisiones tan claras han marcado muchas de las negociaciones entre compañías mineras y aborígenes, y pueden ser extremadamente perjudiciales para los últimos.

Durante el debate de Coronation Hill, el término "interés nacional" fue frecuentemente utilizado. Una mina de oro en Coronation Hill podría haber generado $82 millones anuales en la economía australiana.

Mientras que no se consideraba particularmente grande, muchos argumentaron que si Coronation Hill fue detenida en la base de los intereses aborígenes, ¿cuántas empresas mineras más sufrirían la misma suerte?

Es razonable suponer que el apoyo público a los derechos territoriales aborígenes ha decaído desde que la actual recesión golpeó realmente al país. Con la mayoría de los australianos "sintiendo el golpe", la simpatía que existía antes puede haber disminuido.

Pero mientras que Australia como tal ha sido sólo recientemente golpeada por la recesión, una gran proporción de la población aborigen ha dependido de la seguridad social desde mediados de los 70. La tasa actual de **desempleo** es aproximadamente equivalente a la tasa de aborígenes **empleados**.

Un importante obstáculo que se encuentra cuando se tratan los derechos territoriales como una cuestión nacional es la falta de uniformidad legislativa. Los intentos de establecer leyes nacionales de derecho territorial fueron bloqueados a partir de la oposición de Australia Occidental (WA) y Queensland. Los aborígenes están particularmente descontentos con la política de derechos territoriales en ambos estados. En Australia Occidental en 1986, la Cámara Alta Estatal rechazó un proyecto de ley territorial aborigen que habría permitido a los grupos aborígenes reclamar sólo las reservas aborígenes existentes, tierras vacantes de la corona, y tierras originalmente otorgadas a las misiones para su trabajo con los aborígenes.

El proyecto no habría permitido a los aborígenes el control sobre las operaciones mineras en sus tierras.

A partir de entonces, el gobierno de Australia Occidental ha implementado una política en relación a las reservas, tierras misioneras y gravámenes pastorales, concentrándose en arrendamientos por 99 años a los grupos aborígenes.

Recientemente el Parlamento de Queensland aprobó una legislación otorgando a los aborígenes título de feudo franco sobre las reservas existentes pero rechazó un fondo de adquisición de tierras y derechos mineros y eximió a las áreas urbanas de demandas territoriales.

Se han rechazado demandas hechas por el Ministro Federal de Asuntos Aborígenes en el sentido de que el Gobierno de Queensland proveyera financiamiento público limitado a las comunidades aborígenes para comprar tierras de feudo franco.

A pesar de que el Gobierno Federal desestimó el argumento de Queensland, ésto no ocurre frecuentemente. El Gobierno Federal tiene el poder constitucional de derogar legislación estatal en interés de los aborígenes. Sin embargo, muchos aborígenes consideran el registro de intervenciones apropiadas por parte de este gobierno y del precedente, como muy pobre.

Traducción de un artículo publicado en "On the record", no. 2. ❑

TIMOR ORIENTAL: LA LUCHA CONTINUA

redactado por Torben Retbøll

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Declaración conjunta de las organizaciones aborígenes australianas:

Coalición Aborigen Top End; Federación de Consejos Territoriales Aborígenes de Queensland; Federación de Grupos Consultivos de Educación Aborigen

Presentado por: Josie Crawshaw

Revisión de Acontecimientos

Gracias por la oportunidad de dirigirnos a la IX Sesión del Grupo de Trabajo sobre Pueblos Indígenas, bajo el tema "Revisión de Acontecimientos".

En nombre de la Coalición Aborigen Top End del Territorio Norte, de la Federación de los Consejos Territoriales Aborígenes y de la Federación de Grupos Consultivos de Educación Aborigen de New South Wales, presento la siguiente declaración conjunta.

Ayer escuchamos presentar al Ministro Federal Sr. Tickner, la interpretación de su gobierno, acerca de los avances del mismo en lo referente al tratamiento de los derechos de autodeterminación y autogestión de los Aborígenes e Isleños del Estrecho de Torres.

Desearíamos citar tres acontecimientos recientes en donde el Gobierno Australiano pretende que la autodeterminación aborigen es una realidad o bien está cerca de ser una realidad.

Los asuntos abarcan la autodeterminación y la autogestión en las áreas de tierras y recursos; educación y situación política.

En mayo de 1991 el Gobierno de Queensland aprobó la Ley de Tierra Aborigen. El Gobierno de Queensland afirma que la Propuesta de Ley de Tierra Aborigen, -y yo cito- *"proveerá un esquema bajo el cual el pueblo aborigen pueda asegurarse el título de ciertas categorías de tierra y pueda ejercer control sobre el uso y manejo de aquella tierra de acuerdo a la tradición aborigen", (Segundo discurso leído por el Ministro de Servicio Familiares y Asuntos Aborígenes e Isleños. Ley de Tierra Aborigen, 1991, pág. 1)*

La Federación de Queensland de los Consejos de Tierra rechaza esta aserción. wEs nuestra opinión que la propuesta viola la Ley Aborigen y es vista por los aborígenes como un acto concebido para destruir la cultura aborigen mientras **asegura** que los derechos no-aborígenes sean reconocidos.

La propuesta de ley está también en directa contravención del Convenio Internacional sobre Derechos Civiles y Políticos (*Programa 2, parte 1, artículo i 1,2,3,*) excluyendo el derecho de los *aborígenes* a determinar su estatus político; y de libremente procurar el desarrollo económico, social y cultural.

Además la propuesta desprecia las recomendaciones de la Comisión Real sobre las Muertes Aborígenes en Detención, la cual informaba que un legado de desahucio territorial excluye al pueblo aborigen del poder económico; y también reconocía que el pueblo aborigen necesita una base territorial a partir de la cual podamos comenzar a cambiar nuestra situación social y económica.

Los asuntos específicos principales son:

Según la propuesta, aproximadamente el 95% de la tierra tradicional no puede ser demandada. Esta tierra contiene lugares sagrados o significativos y **no** existe un programa reglamentado de adquisición de tierras en caso de pérdida de esta tierra, **ni** tampoco estipulación para compensación por la destrucción del patrimonio.

El pueblo aborigen no estaba de acuerdo con el proceso de demandas que incluye un embargo a las demandas de alojamientos e informe a través de los diarios a otras partes interesadas sobre las demandas pretendidas.

La tierra susceptible de reivindicación es decidida por el Gobernador del Consejo y debe ser publicada en el diario como "tierra vacante de la Corona", "parque Nacional" o "tierra Aborigen" detentadas bajo Escritura de Cesión en Fideicomiso.

El Ministro tiene el poder de decidir quienes son los demandantes beneficiados y tiene el poder de rechazar apelaciones al Tribunal de Reivindicación de la tierra.

No hay Consejos de Tierra existentes o propuestos. En cambio, Administradores designados por el Ministerio, quienes no son necesariamente los dueños tradicionales, administrarán el **control, uso** y **manejo** de la tierra.

Los Administradores pueden intervenir en los acuerdos de uso de la tierra **sin** el consentimiento de los propietarios y determinar el período de esos acuerdos.

Los propietarios aborígenes no tienen real posesión de los recursos naturales de sus tierras y esto está demostrado por la falta de veto sobre las actividades de minería y en su incapacidad para negociar beneficios.

La caza y la recolección están sólo permitidas en las reservas, excluyendo de este modo al 95% de la población aborigen de Queensland.

El patrimonio cultural del pueblo aborigen de Queensland está en peligro bajo el Acta de Tierra Aborigen y de Isleños del Estrecho de Torres.

Apelamos al Gobierno Federal para que ejerza su poder para derogar esta legislación y repetir la demanda de nuestro hermano Mick Dodson, de no esconderse detrás de la cortina del federalismo.

El pueblo aborigen de Queensland no puede confiarse de la **esperanza** expresada ayer por el Ministro Federal, y -cito- *"de que el Gobierno de Queensland usará sus Actas Territoriales Aborígenes e Isleños del Estrecho de Torres como base para una nueva legislación".*

El pueblo aborigen de Queensland también apela a las Naciones Unidas a investigar esta ofensa al Convenio Internacional

de Derechos Civiles y Políticos y ayudarnos a obtener nuestra libertad económica, política, cultural y social.

Señora Presidente, ahora deseo presentar el segundo punto de mi informe. Ud. puede recordar que el año pasado yo informé sobre el desarrollo de la nueva Política Nacional de Educación Aborigen del Gobierno Federal. Una política que de acuerdo al Gobierno Federal prometía darnos los medios para participar totalmente en el proceso de implementación y toma de decisión para mejorar la espantosa situación del pueblo Aborigen e Isleños del Estrecho de Torres.

Yo describía nuestro temor hacia el sistema de educación colonial al cual hemos estado sometidos. Un sistema responsable de genocidio cultural por medio de la colonización de nuestras mentes. Expresamos entonces que la política no cambiaría la situación. Por el contrario, ésta aceleraría el proceso.

Y ahora informo sobre la implementación de esta política que tristemente confirma que nuestros temores eran válidos.

Primeramente, el AEP es claramente no más que una serie de arreglos financieros y administrativos, donde burócratas no-aborígenes y no-isleños del Estrecho de Torres a nivel federal, estatal y territorial, son responsables de la implementación de la política.

El Gobierno Federal estableció un Comité Asesor Nacional sobre Educación y Capacitación (NAEETC). Sin embargo los Grupos Consultivos de Educación Aborigen no están representados y su participación se realiza a través de la invitación a dos de sus reuniones trimestrales a expensa propia.

Este proceso hace burla de la participación de la comunidad aborigen en la toma de decisiones e implementación de la Política de Educación.

Sin embargo el prefacio de la Política reconoce que el sistema de educación ha estado en falta con el pueblo aborigen, al descuidar el ajustarse a sus necesidades y circunstancias culturales.

Las estrategias y programas, en su mayor parte, han sido escritos por burócratas y académicos no aborígenes, que no tienen comprensión ni experiencia sobre las diferencias culturales y necesidades educacionales aborígenes.

No considera la posibilidad de un sistema educativo aborigen independiente controlado por la comunidad; especialmente escuelas aborígenes.

La política falla en orientar adecuadamente el área crucial de la Educación Infantil Temprana.

Los ministros federales y estatales tienen poder absoluto de veto sobre todos los programas y planificación.

La implementación de esta política tiene sólo un año, y sin embargo escuchamos declarar al Ministro Federal en su discurso de ayer, que el atraso aborigen y las aspiraciones educativas serían reconciliadas a través de aún otro nuevo proceso -el Proceso de Reconciliación.

Nos cuestionamos la validez del compromiso proclamado por el Gobierno Federal para mejorar la condición de nuestro pueblo en el área de la educación.

No nos dejamos engañar por palabras y programas diseñados para presentar una cortina de humo que esconda el plan real de asimilación/integración. Lo que me lleva al último punto y a los sucesos más recientes de nuestro país – el Consejo para la Reconciliación Aborigen.

La Coalición Aborigen Top End se reserva su posición en este estadio del proceso de Reconciliación y su implementación, a excepción de manifestar que nosotros compartimos el escepticismo expresado por nuestra hermana Helen Corbett del Comité de Defensa de los Derechos Negros. Este escepticismo esta basado en nuestro análisis previo de la iniciativa del Gobierno Australiano que trata de transformar la relación entre el pueblo aborigen y no-aborigen de Australia.

Primero, nosotros creemos que si el gobierno intenta realizar la campaña de concientización pública y educación, estará enfocando objetivos equivocados.

Hasta que la sociedad no-indígena no esté preparada para examinar su etnocentrismo, cambiar sus prácticas coloniales, aceptar que ellos son la causa original de la degradación de nuestra sociedad, no podemos convenir que la reconciliación sea posible.

Segundo, nos cuestionamos la necesidad de establecer el Consejo para la Reconciliación Aborigen cuando el Gobierno ya tiene políticas y programas nacionales que pretenden ser diseñados para tratar las injusticias sociales y económicas. Políticas tales como:

Política de Desarrollo de Empleo Aborigen, (1988)

Política Nacional de Educación Aborigen (1990)

Estrategia Nacional de Salud Aborigen (1991)

Tercero, pensamos que la aceptación por todos los partidos políticos se ha obtenido, debido al plazo de tiempo de 10 años. Esto significa que si el apoyo público al proceso no se logra, los partidos pueden apartarse del mismo y la idea de Reconciliación será descartada.

Sra. Presidente, nos hemos referido al Consejo de Reconciliación Aborigen como a un "automóvil" *(CAR-Council of Aboriginal Reconciliation, sigla que en inglés significa "automóvil". N. del T.)*. Un automóvil cuya placa de registro dice 2001. Preguntamos, ¿podemos confiar en el vendedor del automóvil? ¿Es un automóvil nuevo? ¿O nos vendieron un limón? ¿Será como el automóvil que condujo Makarrata y el Tratado – cuyo motor se paró y las ruedas se cayeron?

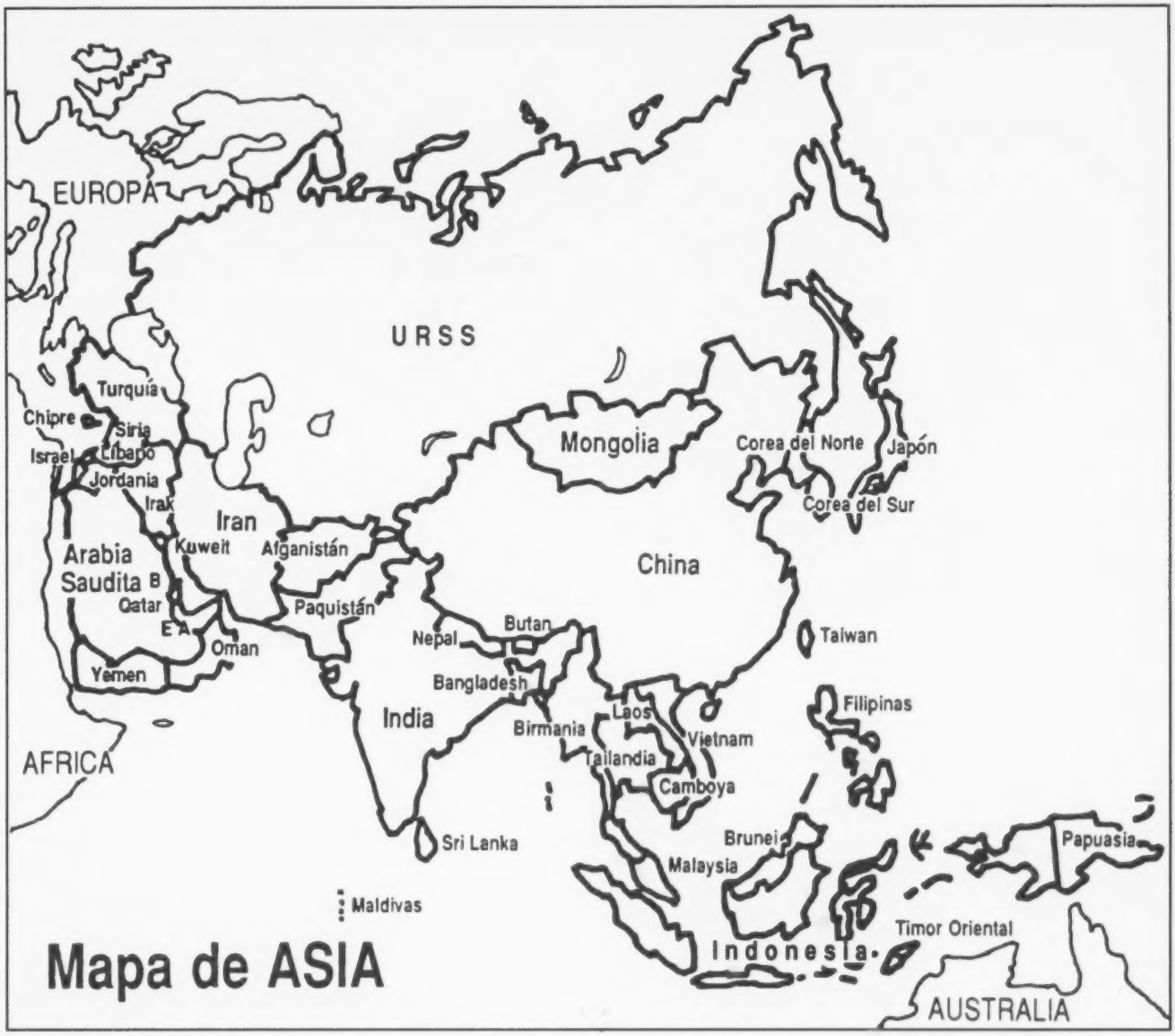
Terminando, Sra. Presidente, creemos que hemos demostrado que la autodeterminación y la autogestión no son todavía una realidad para nosotros en nuestro país. Es por esto que estamos rigurosamente abocados al logro de una Declaración que exprese firmemente el principio del derecho de autodeterminación para los pueblos indígenas.

Estamos seguros, Sra. Presidente, que bajo su experta dirección, el Grupo de Trabajo cumplirá nuestras aspiraciones. Gracias. ❑

Declaración de la Delegación Asiática

Señora Presidenta, Distinguidos Miembros del Grupo de Trabajo, Hermanos y Hermanas:

En nombre de los pueblos indígenas, tribales y aborígenes de Asia, permítanme presentar nuestra declaración común. Apreciamos las sesiones del Grupo de Trabajo sobre Poblaciones Indígenas bajo vuestra tan efectiva presidencia, y esperamos tener siempre vuestro apoyo y el del Grupo de Trabajo, en nuestra lucha por justicia, y



Mapa de ASIA

contra la discriminación y el genocidio.

Antes que nada, queremos informar sobre la negativa de algunos gobiernos asiáticos en reconocer la existencia de pueblos indígenas en nuestra parte del mundo. Esta negativa presenta un obstáculo enorme a la participación de muchos pueblos indígenas de nuestra región en las deliberaciones del Grupo de Trabajo. La negativa también trata de desconocer los beneficios de la declaración en relación a los pueblos indígenas, tribales, y aborígenes de Asia. Con esto, requerimos urgentemente que los pueblos a los que le es negado el derecho de gobernarse ellos mismos, y sean llamados tribales, y/ o aborígenes, en nuestra región, sean reconocidos, en razón de esta declaración, conforme a la práctica de la O.I.T., como equivalentes a pueblos indígenas. Que el derecho de gobernarse ellos mismos les sea reconocido como pueblos indígenas.

En segundo lugar, queremos llamar vuestra atención sobre el hecho que gobiernos y muchas agencias de desarrollo en nuestra región siguen haciendo todo lo posible para asimilar nuestros pueblos a culturas y sistemas de valores foráneos. En el proceso, nos obligan a aprender y hablar idiomas extranjeros y a violar nuestras bien definidas identidades y culturas. Además, los programas de desarrollo que afectan a nuestros pueblos, no nos benefician. En el nombre del desarrollo, estos elementos foráneos construyen carreteras, cortan árboles, construyen presas, minan nuestras tierras, destruyen nuestras selvas y desalojan a nuestros pueblos. Exigimos que los programas de desarrollo para los pueblos indígenas en Asia, sean administrados sólo con su entero, libre y documentado consentimiento y participación.

Señora Presidenta, nosotros, los pueblos indígenas y tribales de Asia, agradecemos la propuesta de tener una sesión en fecha próxima, del Grupo de Trabajo en Manila, Filipinas.

Estamos convencidos que una sesión del Grupo de Trabajo en Asia, podrá en gran medida facilitar la participación constructiva de los pueblos indígenas de la región en la redacción de la Declaración sobre los Derechos de los Pueblos Indígenas. Asia es la tierra de un gran número de pueblos tribales e indígenas, y nuestra participación en el trabajo del Grupo de Trabajo es decisiva ya que nuestros problemas son muy graves e involucran a millones de nosotros.

Estamos convencidos, Señora Presidenta, que la necesidad y no el costo debería determinar el lugar de las sesiones del Grupo de Trabajo en el futuro.

Llamamos al Grupo de Trabajo a:

1. reconocer la existencia de pueblos indígenas y tribales en Asia y a salvaguardar nuestros derechos fundamentales a la tierra y a la vida.
2. apoyar nuestra lucha por nuestros derechos territoriales y nuestra autodeterminación en lo referente a nuestro estatus político y cultural, y desarrollo económico.
3. ayudarnos a controlar la situación de los derechos humanos en nuestros territorios y estados, por ejemplo, enviando misiones de investigación para estudiar e informar sobre violaciones alegadas.
4. brindar, junto con otras agencias como la O.I.T., oportunidades a los pueblos indígenas y tribales de Asia, de entrar en conocimiento y analizar las consecuencias de la Declaración sobre los Derechos de los Pueblos Indígenas, otros importantes instrumentos internacionales, y el proceso de las Naciones Unidas que lleva a su gestación.

Gracias Señora Presidenta.

Firmantes:
Representantes de:
Frente Popular de Papúa Occidental.
Unión Nacional Karen.
Red de Jumma en Europa.
Consejo Hindú de Pueblos Indígenas y Tribales.
Alianza de Aborígenes de Taiwan.
Federación Nacional de Pueblos Indígenas de las Filipinas (KAMP).
Lumad-Mindanao.
Alianza de los Pueblos de la Cordillera.
Asociación Ainu de Hokkaido.
Pacto de los Pueblos Indígenas de Asia.
Movimiento los Pueblos Naga por los Derechos Humanos.
Misión Territorial 1950 de las Molucas del Sur.
Pueblos Hmong. ❑

PUEBLOS INDIGENAS DEL NORTE SOVIETICO

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Informe sobre la situación de los Derechos Humanos de los pueblos indígenas de Taiwan

Taiwan, Asia Oriental

Presentado por:
Alianza de Aborígenes de Taiwan, I Chiang, Lava Kau.

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1. Perfil demográfico y distribución de los pueblos de Taiwan

El área total de Taiwan es de 35.981 km2: 394 km. de largo y 144 km. de ancho. Rodeado por el Océano Pacífico sus vecinos son China al oeste, Filipinas al sur y Japón al norte.

Restos de sitios históricos dejados por los pueblos indígenas de Taiwan testimonian una historia de por los menos cinco mil años. Antes que el pueblo *han* de China invadiera Taiwan en 1624, se encontraban comunidades de pueblos indígenas en toda la isla. Aparte de los *pinpu*, que vivían en las llanuras occidentales – y que habían estado totalmente asimilados por el pueblo *han* – los pueblos indígenas que aún mantienen algún grado de su cultura tradicional vivían en su mayor parte en las montañas y en las llanuras orientales de Taiwan. Los *pinpu*, de acuerdo a tempranos estudios antropológicos, pueden ser divididos en nueve grupos: *kavalan, luilang, taokas, pazehe, papora, bobuza, hoanya, siraja* y *ketagalan*. Hoy en día existen once tribus indígenas en Taiwan, pero los antropólogos *han* de Taiwan reconocen sólo nueve tribus. De acuerdo a la estimación oficial, habían 337.342 indígenas en Taiwan en 1989 y una especificación de las tribus muestra: 129.220 *amis*; 78.957 *taya*; 60.434 *paiwan*; 38.267 *bunun*; 8.132 *puyuma*; 8.007 *rukai*; 4.194 *saisiat*; 5.979 *tsou*; y 4.335 *yami*. Además, los antropólogos de Taiwan clasifican como *taya* al pueblo de *taroko*, los que suman alrededor de 30.000. Además los antropólogos descalifican a los 248 *thao* por "demasiado pocos" y los clasifican como asimilados; los mismos *thao*, sin embargo, aún se identifican con su propia cultura y etnia hasta hoy día.

El total de la población de Taiwan es de aproximadamente 20 millones; los indígenas representan un 1.7% de la población total. Los *han*, quienes inmigraron antes de 1950 eran en primer lugar pueblos *minan* y *hakka* de las provincias Fuchien y Kwangtung en China. Después de 400 años de casamientos con los *pinpu* y otros pueblos indígenas, muchos *han*, han comenzado a verse como habitantes de Taiwan. Los *han* que llegaron después de 1950 son principalmente soldados que combatieron para el régimen nacionalista, que fue vencido por los comunistas chinos durante la Revolución de 1949.

2. Historia de la colonización de Taiwan

Antes de 1620, sólo los pueblos indígenas ocupaban Taiwan. Lo siguiente es un resumen de los gobiernos coloniales que han gobernado Taiwan desde 1624 hasta 1991:

a. Período colonial holandés y español (1624–1661)

Mientras los chinos *han*, que vivían a lo largo de las costa de China habían tomado contacto con Taiwan en el siglo XIII, estos tempranos contactos fueron esporádicos, aislados, no planificados y tomados sin la participación del gobierno. Por eso, ellos no constituyeron una fuerza decisiva de opresión; los pueblos indígenas eran todavía los únicos dueños de la isla de Taiwan. En 1624 y en 1626 respectivamente, Holanda y España invadieron Taiwan con fuerzas respaldadas por el gobierno. Pensaban subyugar los pueblos indígenas con su poder material superior y su fervor de adoctrinamiento religioso. Durante este tiempo, algunas de los pueblos *pinpu* perdieron su autonomía,

pero la mayoría de las otras comunidades indígenas permanecieron inafectadas.

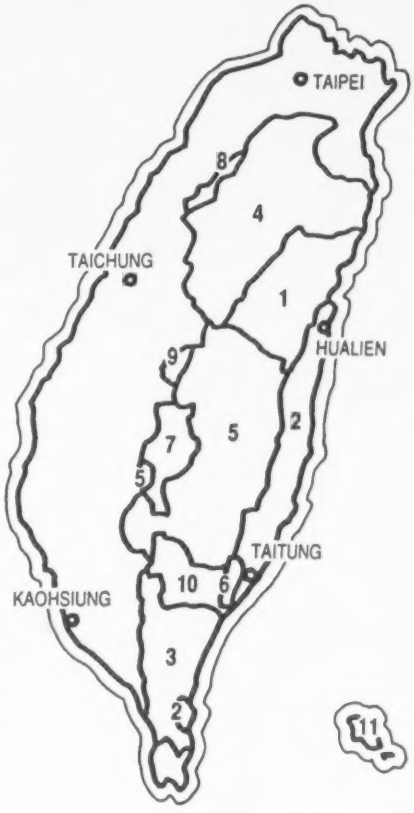
b. El gobierno Cheng y el período colonial Manchú (1661–1895)

El hijo de una pirata, Cheng Chen-kong comenzó una guerra contra los holandeses en una lucha por la posesión de Taiwan, y su posterior victoria aseguró su posición como colonizador . Al mismo tiempo los gobernadores chinos eran *manchúes*, no *han*, otra minoría étnica dentro de China. Durante el gobierno de Cheng sus fuerzas ocuparon las llanuras occidentales de Taiwan y una pequeña parte de áreas montañosas. Tratando de proteger su tierra y las líneas territoriales tribales, los pueblos indígenas tuvieron innumerables conflictos con los *han*, quienes gradualmente fueron invadiendo el territorio de los pueblos indígenas y asimilándolos. En 1885, sin tener el consentimiento del pueblo de Taiwan, el régimen Manchú anexó Taiwan. Este período presenció la primera afluencia masiva del pueblo *han*, quién tomó control de los recursos naturales y de la tierra de Taiwan. Sin embargo, aún en 1895 las montañas y las llanuras del este estaban bajo el control efectivo de los pueblos indígenas.

c. El período colonial japonés (1895–1945)

En 1895, el gobierno *manchú* perdió la Guerra sino-japonesa y firmó el tratado de Shimonoseki, cediendo Taiwan al Japón. El gobierno japonés comenzó a explotar los recursos económicos de Taiwan a través de un sistemático gobierno de estilo capitalista; fue durante este período que el modo de vida de subsistencia de los pueblos indígenas comenzó a desmoronarse. Para poder obtener el control de los bosques de Taiwan, los recursos minerales, el agua, y el potencial turístico, los gobernadores japoneses mantuvieron a los pueblos indígenas en "Reservas de Montaña", reduciendo de este modo los territorios tradicionales de 2.000.000 hás. a 24.000 hás. sobre las cuales los pueblos indígenas tenían derecho de uso pero no podían posesión permanente. Para aplastar la resistencia de los pueblos indígenas, el gobierno colonial japonés emprendió un gran número de masacres. Durante "la Campaña de Cinco Años", entre 1910 y 1914, 10.000 *tarokos* fueron masacrados. En la rebelión de Wushe en 1930, los japoneses atacaron seis aldeas *taya* con aviones, cañones, armas de fuego y armas químicas y masacraron a todos los hombres, mujeres y niños de las aldeas. Para asimilar a los pueblos indígenas, el gobierno japonés incitó a los pueblos indígenas a usar nombres japoneses y forzó a los niños a hablar japonés bajo su programa obligatorio de escuela primaria. Fue durante este período que los sistemas políticos tradicionales, culturales y sociales de los pueblos indígenas comenzaron a derrumbarse.

Los Pueblos Indígenas de Taiwan



1	Taroko	30.000
2	Amis	129.220
3	Paiwan	60.434
4	Tayal	48.957
5	Bunun	38.267
6	Puyama	8.132
7	Tsou	5.797
8	Saisiat	4.194
9	Thao	248
10	Rukai	8.007
11	yami	4.335
Poblacion Total		337.342

d. El período colonial nacionalista (KMT) (1949 – hasta hoy)

Después de la derrota de la segunda guerra mundial, Japón aceptó el tratado de San Francisco y su estipulación, que Japón renuncia a sus derechos sobre "Formosa y las Pescadores" el 8 de septiembre de 1951, finalizando 50 años de ocupación colonial. No obstante, en 1949, el régimen militarista Nacionalista (KMT), después de su derrota por el gobierno Comunista huyó a Taiwan. Para consolidar su gobierno, el gobierno Nacionalista masacró miles de indígenas *minan* e intelectuales *hakka* a principios de los años cincuenta e impuso estado de sitio, el cual no fue levantado hasta 1987. En sus políticas hacia los pueblos indígenas, el KMT es directo heredero de su totalitario y colonial predecesor japonés y ciertamente sobrepasa a este último en la planificación e implementación. Más datos al respecto serán dados en la próxima sección.

Después de esta corta introducción a la historia de los gobiernos coloniales de Taiwan y antes de seguir, nosotros, como miembros de los pueblos indígenas de Taiwan, tenemos la obligación de informar a los representantes de gobiernos y de pueblos indígenas que se encuentran en esta conferencia de las Naciones Unidas, tanto como a los miembros de las Naciones Unidas, que en realidad como el gobierno de la República Popular China (RPC) nunca ha gobernado Taiwan, Taiwan pertenece a los 20 millones de habitantes de la isla – Taiwan no pertenece a China.

3.La actual situación de los derechos humanos de los pueblos indígenas en Taiwan.

El gobierno que dirige Taiwan hoy día se llama "República de China", conocida como el régimen KMT tanto por los activistas indígenas, como por el partido de oposición. Aún desde su exilio, el KMT siempre ha abogado por la "reconquista" militar de la China continental; la propuesta de unificación entre Taiwan y China por negociaciones pacíficas es un fenómeno reciente. Décadas con este objetivo de "reconquistar China" por parte del gobierno vigente en Taiwan, ha significado entonces una actitud de "pasar por encima" tanto de los pueblos como del medio ambiente natural de Taiwan. Al mismo tiempo el gobierno de la RPC siempre ha mantenido que Taiwan es territorio chino, buscando periódicamente intimidar al pueblo de Taiwan con slogans como "solucionar el problema de Taiwan por la fuerza." Por otra parte, el Partido

Progresista Democrático, aboga por la independencia de los taiwaneses. Los pueblos indígenas de Taiwan, en su lucha por la sobrevivencia están atrapados en el medio de un ambiente político donde los contendientes difieren en la perspectiva política pero comparten la misma etnia *han*.

Según la Declaración de los Derechos Humanos de las Naciones Unidas, ningún pueblo puede ser negado de sus derechos humanos debido a la raza y a la etnia. Sin embargo la crisis de los derechos humanos básicos que los pueblos indígenas deben confrontar en Taiwan hoy, es diferente que la del pueblo *han*. Los pueblos indígenas no solo tienen que sufrir la misma opresión que el pueblo *han*, pero nosotros también debemos tolerar la persecución de las políticas indígenas y el chauvinismo cultural *han* del actual gobierno. Con otras palabras, la privación que nuestros derechos humanos sufren es doble – nosotros creemos que este esquema es familiar para los pueblos indígenas de todo el mundo.

Una investigación y juicio de la situación de los derechos humanos de los pueblos indígenas en Taiwan, no debería hacerse a través de sólo un simple examen del amplio contexto de la situación de los derechos humanos de los pueblos de Taiwan; un juicio así debe también tomar en cuenta la posición inferior en la que los pueblos indígenas han estado relegados, basada en las diferencias culturales y el desarrollo económico de sus comunidades. El primer aspecto de tal juicio ya está expresado en el Informe sobre la Situación Actual de los Derechos Humanos. El relato que sigue esta fundamentado en la perspectiva de las minorías indígenas de Taiwan. Esperamos sinceramente que éste facilite la comprensión de la comunidad mundial acerca de la situación de los derechos humanos hoy en Taiwan.

a. Derechos humanos y Políticas del KMT

La constitución de KMT, implementada en 1947, fue legislada en China y es por esto inadecuada para Taiwan. No contiene leyes que directamente describan o protejan los derechos de los pueblos indígenas de Taiwan; por eso, no poseemos derecho de auto-determinación o derechos colectivos como grupo. Mientras el gobierno KTM era un co-firmante del Convenio Sobre la Protección e Integración de Indígenas y otras Poblaciones Tribales y Semi-Tribales en Países Independientes aceptado por la Organización Internacional del Trabajo de las Naciones Unidas, no se ha atenido a los reglamentos de aquel acuerdo. La política básica del gobierno KTM hacia los pueblos indígenas es una asimilación artificial, apuntando al completo aniquilamiento de la conciencia del pueblo indígena sobre su historia, cultura y lengua. El primer "Resumen de Políticas con respecto a los Hermanos de la Montaña" editado en 1951 ya declaraba claramente que todas las estipulaciones pertenecientes a los pueblos indígenas eran temporales y serían gradualmente abolidas. La formulación de la política básica en este asunto ha estado basada sobre esta insistencia. El gobierno de Taiwan no reconoce el estatus étnico de las tribus y nuestra posición histórica en Taiwan; nos ha privado de nuestro derecho tradicional a la tierra y nuestra tradicional soberanía territorial.

b. Derechos Políticos

El gobierno de Taiwan ha privado a los pueblos indígenas de nuestra autonomía política, cultural, económica, educacional y social. En términos de participación política ha diseñado un sistema de "cuotas protectoras", que entrega simbólicamente a los pueblos indígenas unos pocos escaños en los organismos legislativos de Taiwan. En el parlamento, donde la mayoría gobierna, los derechos y el bienestar de los pueblos indígenas están completamente a la merced de la mayoría *han*, un hecho que transforma nuestras cuotas en poco más que un ornamento político. En realidad, como el pueblo de Taiwan no tuvo el derecho de formar un partido político antes de 1988, el KMT ha disfrutado décadas de gobierno unipartidario entre los pueblos indígenas, un monopolio que ha mantenido hasta hoy en día. La intervención del partido en regiones de población predominante indígena es altamente organizada y omnipresente; las elecciones en todos los niveles siempre dan resultados que conforman el deseo del partido. El parlamento no puede expresar realmente los deseos de los pueblos indígenas. En una palabra, los derechos de participación política de los pueblos indígenas son manejados por el régimen KMT, en especial por el pueblo *han* en general.

El 2 de abril de 1991, los pueblos indígenas de Taiwan presentamos nuestra petición de autonomía como un grupo organizado. La respuesta oficial fue en todo caso, que una región autónoma para los pueblos indígenas está fuera de cuestión. El sector administrativo responsable de tratar los asuntos indígenas está subordinado a la amplia burocracia administrativa. En el gobierno central, este sector esta representado con una oficina de tercer orden – El Departamento de Regiones Montañosas – bajo la División de Asuntos Humanos del Ministerio del Interior, que emplea un total de tres personas y un presupuesto anual de 2 millones de dólares americanos. A nivel provincial, existe también una oficina de tercera categoría (expandida sólo en 1990), la Oficina de Regiones Montañosas, una subdivisión de la oficina de Asuntos Humanos. Con veinte trabajadores y encabezada por una persona de descendencia *han*, está oficina es responsable de formular la mayor parte de las políticas concernientes a los pueblos indígenas. Es irrazonable pretender que un ejecutivo *han* pueda trascender los valores e intereses de su propio grupo étnico; él es ciertamente incapaz de solucionar los problemas de los pueblos indígenas y de promover sus intereses en direcciones que estén fundamentadas en su perspectiva y sean compatibles con sus valores – y sin embargo está encargado de ocuparse de los asuntos de los pueblos indígenas. El mismo principio de elección de personal puede encontrarse en cualquier otro lugar de la burocracia. Mientras cada gobierno local en zonas de predominante población indígena tiene Oficina de Areas Montañosas, el funcionario jefe es casi siempre un *han*. La unidad política más importante para los pueblos indígenas es la llamada "condado Montañoso", de las cuales existen treinta. A primera vista puede aparecer que los condados pueden ser considerados como brotes de autonomía indígena, ya que el gobierno KMT ordena que el jefe del condado debe ser elegido a través de elecciones locales. Sin embargo, en realidad los jefes de condado no poseen virtualmente poder ejecutivo, por no decir que otros candidatos que los nombrados por el KMT tienen poca posibilidad de ganar; por consiguiente, la mayoría de la gente indígena que es elegida es financiada por el *han* local y/o implicados en un sistema de patronazgo local *han*. Aún aquellos que son elegidos con el real apoyo de la población indígena encuentran sus poderes limitados por la directiva del Comité Representativo del Condado quienes son, también, mayoritariamente *han*. Por eso, el sistema político de Taiwan está enteramente bajo el control del KMT y del pueblo *han*; los pueblos indígenas no tienen absolutamente ninguna voz, y cuanto menos autonomía, en un sistema político semejante

c. Derechos Legales.

Históricamente, los gobiernos coloniales de Taiwan han encontrado más oportuno subyugar la población indígena de la isla con fuerza física directa; los tratados y convenios han estado realmente ausentes de tal relación colonial. No obstante, cuando los

pueblos indígenas han reivindicado sus derechos originales, los gobiernos coloniales siempre han sido rápidos para negar esos derechos con las leyes que ellos mismos han creado. Hasta hoy día, los pueblos indígenas no tienen una posición legal; toda protección que nuestros derechos puedan gozar, todos ellos han surgido como órdenes ejecutivas. Como este proceso no está sujeto al escrutinio del parlamento, nunca está exento de frecuentes e irreflexivas revisiones. Al mismo tiempo los ataques a los derechos de los pueblos indígenas son también proclamados en la forma de órdenes ejecutivas. Muchas leyes demandan la protección de los intereses de los pueblos indígenas, pero en realidad atentan destruir los pueblos indígenas como grupos étnicos y robar nuestros derechos.

Representantes de la Alianza de Aborígenes de Taiwan, Ginebra, 1991. Foto: Jens Dahl.

Un censo nacional que incluye un recuento étnico preciso, es obviamente de suma importancia para los pueblos indígenas; no sólo es crucial para nuestra sobrevivencia como grupo, sino que un recuento de la población también es importante para la determinación de la fuerza política de un grupo en cierto lugar. Tal importante y fundamental derecho humano, sin embargo, ha sido sólo delineado y protegido por una orden ejecutiva provincial en Taiwan, cuyo objetivo principal es asimilar los pueblos indígenas. Las "Pautas de Identificación para los Nativos de la Montaña de la Provincia de Taiwan" divide a los pueblos indígenas en "hermanos montañeses de las llanuras", representando un rechazo categórico a reconocernos como los pueblos indígenas de Taiwan. El primer término se refiere a aquellos que fueron registrados en las áreas de la montaña durante la dominación japonesa, quienes eran cerca de 182.718, mientras que el último término se refiere a aquellos que fueron registrados en las llanuras durante la dominación japonesa, quienes son 155.938. Las leyes que llaman a un recuento étnico nacional están cargadas de contradicciones e injusticias para los pueblos indígenas de Taiwan. En caso de matrimonio con un hombre *han*, una mujer indígena pierde automáticamente su identidad étnica legal. Al contrario, una mujer *han* que contrae matrimonio con un hombre indígena, sigue legalmente siendo *han*. En el matrimonio matrilocal donde el marido es *han* y la esposa indígena, la mujer retiene su identidad étnica y así también lo hace el hombre. No obstante, si un hombre indígena fuera a contraer un matrimonio matrilocal con una mujer *han*, el llegaría automáticamente a ser *han*. Lo más absurdo de todo es quizás el hecho que una persona indígena, sea hombre o mujer puede legalmente rechazar su identidad étnica, pero no puede nunca reclamarla. Además hay muchas otras regulaciones discriminatorias e injustas en las "Pautas de Identificación" - esta orden ejecutiva es un importante factor en el fracaso de las poblaciones indígenas para crecer a una tasa normal.

Igualmente la orden ejecutiva "Regulaciones al Desarrollo y Manejo de las Reservas de los Hermanos Montañeses en la Provincia de Taiwan," pareciera proporcionar una protección importante a los derechos de propiedad de la tierra de los pueblos indígenas. No obstante, esta orden en la práctica ha probado más bien afirmar nuestra pérdida de esos derechos. Ella proclama la nacionalización de nuestros territorios tradicionales, tierras de caza y lugares rituales. La orden declara la privatización de la tierra ya habitada por individuos, pero esta privatización supone sólo derechos de uso, no así derechos de propiedad – el manejo de la propiedad pertenece al gobierno. Aún peor, esta orden concede a cualquier persona *han* que elija tener residencia en las regiones de los pueblos indígenas, 0,03 hectáreas de tierra para construcción. Tanto industrias privadas y públicas, como particulares pueden obtener los derechos para explotar los recursos minerales, de las canteras, industriales o turísticos, situados en las reservas de la montaña, si ellos siguen los procedimientos del caso. Lo que esto significa en la práctica es que la tierra con potencial de explotación ya ha sido devorada, sea por el gobierno o por los capitalistas *han*. En 1987 el gobierno KMT levantó el estado de sitio y puso en su lugar la "Ley de Seguridad Nacional", que continúa imponiendo muchas restricciones en las regiones montañosas habitadas por pueblos indígenas. En otras palabras, el estado de sitio continúa rigiendo esas regiones. Nada ilustra más exactamente la omnipresente ignorancia y opresión predominante en este sistema legal, que la absoluta ausencia de alguna consideración multicultural en la ley *han*. Las leyes comunes de los pueblos indígenas no están ni incorporadas ni reconocidas por las leyes de este país. El sistema legal entonces, sólo sirve al pueblo *han* a expensas de los pueblos indígenas.

d. Propiedad de la Tierra y Derechos Económicos

Con un área total de solo 35.981 km2 y una población de 20 millones, Taiwan es un país con una densidad de población asombrosa. La tierra es por eso uno de los recursos más preciosos y codiciados en Taiwan. La historia revela generaciones de gobiernos coloniales e inmigrantes que obtenían tierra por medio de la fuerza; casi nunca se hizo ningún arreglo contractual o un esfuerzo por obtener el consentimiento del pueblo indígena. Aún cuando se lograron tales acuerdos, ellos eran inevitablemente expresados en una lengua extranjera a los pueblos indígenas y proyectados para engañar y estafar. Después que sus tierras ancestrales fueron apropiadas como propiedad nacional, los

pueblos indígenas perdieron su derecho a la tierra misma, donde sus casas particulares estaban construidas. En los años recientes, bajo la política del gobierno actual, de desarrollo masivo de las regiones en cuestión, ha ocurrido una demanda y explotación en varios frentes: la tierra forestal ha sido asignada bajo el manejo de la Oficina Forestal, la tierra con potencial minero ha sido pedida como propiedad nacional; las regiones conocidas por su belleza natural y potencial turístico han sido designadas parques nacionales; y el Ministerio de Defensa se ha apropiado de grandes extensiones de tierra de los pueblos indígenas bajo el pretexto de la seguridad nacional. Los últimos pedazos de tierra de los cuales los aborígenes dependen para su sobrevivencia, les han sido quitados y su consentimiento nunca fue tomado en cuenta en el proceso. Para construir parques nacionales, zonas industriales y represas el gobierno trasladó por la fuerza tribus aborígenes como la aldea Fu-shih del condado de Shou-lin, Hua-lian en el caso del Parque Nacional Tai Lu-ke; la aldea Mei-shan del condado Tao-Yuan, Kaohsiung en el caso del Parque Nacional Yu-shan; las tumbas ancestrales de la tribu Bunun en la aldea Tong-Pu en el condado de Shin-yi, Nanto; las aldeas en el distrito industrial de cemento de Ho-ping en el condado de Shou-lin, Hua-lien; y la aldea Hao-cha en el condado de Wu-tai, Pin-tung en el caso de la represa Wu-tai; para nombrar unas pocas. Después que la política del gobierno es formulada, los pueblos indígenas involucrados no tienen absolutamente ningún canal a través del cual expresar su opinión, ciertamente faltando el propio derecho para hacerlo así. Han habido algunas remuneraciones monetarias, pero la suma es insignificante en vista de las pérdidas sufridas. Además, la tierra que pertenece a los pueblos indígenas fue concedida a los veteranos del ejército que llegaron de China después de 1950, mientras otros terrenos fueron designados propiedad de la universidad. Las organizaciones locales del KMT, como la Estación de Servicio del Pueblo en cada condado y el centro de acción del Grupo de Salvación Nacional, todas ocupan tierra que pertenece al pueblo indígena. En breve, realmente toda la tierra con valor para la explotación ha sido ocupada y explotada.

Tradicionalmente las sociedades indígenas han crecido sobre la base de economías de subsistencia, donde cada tribu gana su sustento de acuerdo a su medio geográfico. Sin embargo bajo las leyes que fueron dictadas de acuerdo al sistema de valores chino, todas las actividades de caza, pesca, explotación forestal y actividades agrícolas llevadas a cabo por pueblos indígenas en sus tierras ancestrales, están ahora estrictamente prohibidas. Cada año los pueblos indígenas de diversas partes de la isla, no informados o incapaces de obedecer estas leyes, son castigados legalmente y a menudo deben cumplir sentencias de 2–3 años de prisión. Privados de sus recursos y tierras los pueblos indígenas no pueden ganarse más la vida en sus aldeas tribales tradicionales. Grandes cantidades de aquellos que son capaces de trabajo físico han huido hacia los pueblos industriales y ciudades para convertirse en asalariados.

De acuerdo a las estadísticas oficiales en 1989, el 48,8% de los pueblos indígenas son agricultores, mientras el resto trabaja en profesiones no agrícolas. En realidad, sin embargo, la mayoría de los campesinos van a ciudades vecinas para tomar trabajos temporales que requieren un intenso trabajo físico fuera de estación, ya que los ingresos de su campo no pueden sostener una familia. De acuerdo a un estudio de 1986, el ingreso anual de los campesinos indígenas corresponde al 54,3% del de los campesinos *han*. En ese momento, el ingreso agrícola de los campesinos indígenas era de 2.478 dólares americanos, sumando el ingreso total 3.935 dólares americanos. Por otra parte, el ingreso medio agrícola y no-agrícola de los campesinos *han*, era de 2.638 y 4.607 dólares respectivamente, dando un total de 7.935 dólares.

La gran mayoría de la gente indígena que se convierte en habitantes de la ciudad contraen empleos de trabajo intensivo que requieren poca a ninguna capacitación técnica y tienden a ser disminuidos tanto en su estatus y como en su ingreso. Los hombres trabajan principalmente en la manufactura de la madera y del acero, son conductores de camiones, mineros y pescadores de profundidad, mientras la mayoría de las mujeres trabajan como obreras electrónicas y textiles. Estas industrias se encuentran entre las industrias de mayor explotación laboral de Taiwan. Muchas obreras indígenas experimentan frecuentemente que sus sueldos son retenidos sin explicación. No tienen ni seguro de trabajo ni pensión y están constantemente amenazadas de desempleo. La imagen internacional de Taiwan puede parecer la de una nación rica y próspera económicamente, que se jacta de reservas de cambio extranjero de 80 mil millones de dólares americanos y de un ingreso individual anual de 8.000 dólares americanos. De todos modos estas cifras son cifras engañosas de poco significado. Ciertamente, el desarrollo económico de Taiwan ha sido alcanzado a expensas de los derechos de los trabajadores y del medio ambiente; la riqueza está concentrada en las manos de unos pocos capitalistas y la brecha entre el rico y el pobre es muy grande.

La mayor parte de los aborígenes urbanos viven en construcciones ilegales o en chozas; una persona indígena (sea hombre o mujer) no puede llegar a comprar una casa con sus ahorros. Según datos de 1983, más de 35% de los aborígenes tienen una deuda de 80.000 dólares NT o 3.000 dólares americanos, y la principal razón de esta deuda son el costo de la vida y las enfermedades en constante aumento. Los informes de ingreso individual anual, llevados a cabo por el gobierno de Taiwan cada año, nunca separan el ingreso del pueblo indígena, lo que significa que las estadísticas oficiales fallan totalmente en describir la situación económica de los aborígenes. Mientras tanto, tanto la comunidad de Taiwan como la internacional, incluyendo la comunidad indígena misma, continúan siendo engañadas por las altas cifras de ingreso entregadas por el gobierno de Taiwan.

e. Derechos culturales y educacionales

En 1945, el régimen del KMT promulgó las "Regulaciones Respecto a la Recuperación de los Nombres Ancestrales", con lo cual todo el pueblo *han* puede rechazar los nombres japoneses impuestos sobre ellos por el régimen colonial y pedir su linaje familiar. Sin embargo, los pueblos indígenas no sólo no pudieron recuperar sus nombres ancestrales, sino bajo la política de asimilación del gobierno de Taiwan se les negó incluso el derecho de registrar su identificación de ciudadano con sus nombres tradicionales. La organización familiar de cada pueblo indígena, en un tiempo claramente descrita por nuestro sistema tradicional de nombres, ha desaparecido completamente. Esto trajo diferencias entre los nombres familiares dentro de un linaje y diferencias entre relaciones laterales. Esta confusión en los nombres familiares lleva a un caos correspondiente en las relaciones familiares; trágicos casos de incesto ocurren constantemente.

El KMT muestra la misma indiferencia por los sitios culturales de los pueblos indígenas. Por ejemplo el lugar designado para la nueva estación de tren en Tai-tung resulta ser un sitio con mil años de historia, y la planta de depuración de aguas residuales en construcción en Taipei está localizada sobre la irreversible destrucción del sitio *pinpu*, en She-san de dos mil años de antigüedad. Los

Jardines Culturales de los Pueblos Indígenas, diseñados como un museo, están siendo construidos y dirigidos por el gobierno del KMT. Están siendo construidos en tierras compradas a la población indígena, a un precio mucho más bajo que el valor del mercado y la atracción comercial consiste en exponer las culturas indígenas existentes para el consumo turístico.

En los últimos cuarenta años, se les ha prohibido a los niños hablar su propia lengua en las escuelas, sólo se les permite aprender esa lengua como parte de su educación. Todos los textos escolares para las escuelas primarias y secundarias están uniformados y a cargo del gobierno, y están desprovistos de cualquier referencia a la cultura, historia y conciencia étnica de los pueblos indígenas. Solo un 0.3% de los indígenas han recibido educación superior en 1989, mientras 5.8% de la población *han* ya tenía grados de educación superior en 1978. Parte de esta discrepancia puede ser debida al hecho que las calificaciones de los maestros en las regiones montañosas son en su término medio inferiores a la de los maestros en otros distritos, para no mencionar que las posibilidades son también muchísimo menores. Concluyendo, el sistema educacional discrimina sistemáticamente a los niños del pueblo indígena.

f. Derechos sociales

En 1978, el gobierno, engañando en gran forma al pueblo *yami* de la isla de Lan-Yu, anunció la construcción del puerto militar y publicó ampliamente las oportunidades de empleo que el proyecto traería. Los confiados *yami* se incorporaron gustosamente al proyecto, dándose cuenta después de su finalización que el proyecto, en realidad, era un vaciadero de desperdicios nucleares. Actualmente Taiwan tiene tres plantas nucleares -la construcción de una cuarta está pendiente- y todo el desperdicio nuclear de Taiwan es tirado en Lan-yu. Desde que el lugar ha alcanzado toda su capacidad, el gobierno está planificando la extensión del lugar. Los *yami*, sin embargo están presentando gran oposición y el conflicto aún no está resuelto. Sin recoger los beneficios de la energía nuclear, los *yami* están siendo inducidos fraudulentamente a llevar sobre sus hombros el riesgo de un desastre nuclear - este es un caso clásico de discriminación racial y merece la censura internacional.

Otro ejemplo de discriminación social puede verse en los problemas de vivienda que enfrentan los pueblos indígenas urbanos. Aunque Taipei tiene decenas de miles de edificios construidos ilegalmente, el gobierno raramente hace cumplir los códigos de la construcción. No obstante, cuando los pueblos indígenas construyen viviendas transitorias en terrenos que pertenecen al gobierno o a lo largo de ríos, el gobierno envía frecuentemente aplanadoras. Nunca existió un interés respecto a los problemas de la vivienda de los pueblos indígenas. Debido a la necesidad de trasladarse frecuentemente, muchos niños en edad escolar no han podido recibir educación formal de modo estable.

Por último, una importante cantidad de niñas y jóvenes mujeres indígenas no tienen absolutamente ningún tipo de derechos humanos. Vendidas y compradas como prostitutas infantiles, ellas son realmente en todo sentido las víctimas de un sistema establecido de esclavitud del cual toda la sociedad *han* es cómplice. Con una edad entre los 9 y 18 años, es estima que estas niñas forman parte del 20% de la prostitución de adolescentes y niños en Taiwan, un mercado próspero que es parte de la gran y omnipresente industria de Taiwan que aprovecha la explotación sexual de la mujer. Recibiendo diariamente inyecciones hormonales, siendo azotadas, torturadas y frecuentemente violadas a diario, estas niñas viven totalmente al margen de la sociedad moderna y de los principios de los derechos humanos con los cuales una sociedad semejante supuestamente se define a sí misma. La real sobrevivencia de nuestros grupos étnicos están en peligro, cuando las hijas y futuras madres de nuestra raza son reducidas a mercancías y privadas de su derecho de existir como seres humanos.

4. Nuestras expectativas ante las Naciones Unidas.

Aunque Taiwan no es actualmente miembro de las Naciones Unidas, los pueblos indígenas son parte de la comunidad mundial. La intención de este informe consiste en proporcionar a los gobiernos y pueblos indígenas del mundo una comprensión básica sobre la situación de los pueblos indígenas de Taiwan. Esta es la primera vez que pueblos indígenas de Taiwan han tenido la oportunidad de informar acerca de los problemas de derechos humanos que afrontamos. Siempre hemos tenido un interés profundo por los derechos humanos de los pueblos indígenas en todo el mundo y esperamos que este interés sea correspondido. También esperamos sinceramente que las Naciones Unidas y otras organizaciones internacionales interesadas examinarán los derechos humanos de los pueblos indígenas de Taiwan basados en los principios de justicia internacional que Uds. defienden. Todos los pueblos indígenas de Taiwan, incluyendo nuestra organización, Alianza de Aborígenes de Taiwan, se complacerían de recibirlos cordialmente en Taiwan, en caso que Uds. pudieran venir a Taiwan con el fin de lograr una comprensión personal de nuestra situación. Por último, estamos muy contentos en tener la oportunidad de participar en la discusión de la propuesta de la Declaración Internacional de Derechos Humanos de los Pueblos Indígenas, documento pendiente desde hace mucho tiempo. Nos alegramos de antemano de su conclusión y esperamos que ofrezca a los Pueblos Indígenas de todo el mundo una protección sustancial de sus derechos humanos. ❑

La cuestión de los pueblos indígenas en Africa

Con referencia específica a Tanzania.

Tanzania, Africa Oriental

Por: Moringe Parkipuny

Introducción

Señora Presidente, hermanas y hermanos,

Traigo de Africa saludos de solidaridad para todos, a ustedes reunidos aquí y aquéllos en los hogares, que están a nuestro lado en las agonías de La Madre Tierra y de los pueblos Indígenas. Agonías que son una de las manifestaciones de la mayor, desgraciada y desastrosa injusticia que pone en peligro la vida en este tan prolífico dominio global moderno. Uds. recordarán que en el año 1989 dos representantes de los Pueblos Minoritarios Indígenas de Africa asistieron por primera vez a este foro. Esta es nuestra segunda participación. Hemos aprendido de ustedes, hermanas y hermanos, que aparte de las dimensiones enormes de la maquinaria física y propagandística de nuestros opresores que han perjudicado nuestra unidad, somos ciertamente una gran familia con un sufrimiento compartido, un sistema de valores unificados, un compromiso y una resolución profundamente arraigada para recuperar a través de una devolución a la humanidad, la salud del respeto a la Madre Tierra y el fundamental derecho humano a la diversidad cultural. Al integrarnos a Uds. en 1989 surgió la pregunta de si acaso nuestros pueblos tienen una identidad válida con la gran familia global de pueblos indígenas. Les pedimos ahora, paciencia con nosotros por abusar de su tiempo y les solicitamos su atención hacia las respuestas a la pregunta.

1. Las raíces coloniales de la marginalización

En 1880 la partición europea dividió Africa en un surtido casual de 48 posesiones con una total indiferencia no sólo de las fronteras socio-ecológicas sino de la viabilidad económica de los territorios. Las fronteras fueron fijadas tan arbitrariamente que muchas nacionalidades fueron cortadas en varios dominios europeos. Por ejemplo, la tierra de los *maasai* y su pueblo fue dividida entre Alemania e Inglaterrra, en tres fragmentos asignados a los estados coloniales de Tanganica, Kenya y Uganda. Además, estas creaciones coloniales fueron establecidas sin consultar a la gente del continente.

Las instituciones africanas indígenas, el núcleo de la autodeterminación de los pueblos, fueron calificadas de primitivas y atacadas rigurosamente con el fin de su total destrucción, para permitir a los conquistadores imponer sus propios sistemas.

En 1960, década en la cual la mayoría de las colonias lograron independencia, prometía gran esperanza de que la devolución de la dignidad a los pueblos de este continente era inminente. Sin embargo los líderes de los nuevos estados recibieron sus parcelas territoriales tal como fueron trazadas en Europa y determinaron mantenerlas sin alterar una pulgada, como si éstas fueran entidades sacrosantas. Ciertamente una de las primeras tareas de los líderes fundadores de los estados pos-coloniales africanos fue consagrar en la Organización de los Estados Africanos los arbitrarios límites heredados de la era del colonialismo europeo. Merece ser subrayado que los tan estimados padres fundadores de la independencia no consultaron a su gente antes de tomar una tan profunda decisión. Segundo, las estructuras económicas y las relaciones establecidas en la era colonial, fueron heredadas con sólo modificaciones cosméticas, en el mejor de los casos. Tercero, la enfermedad de nacionalidades divididas por límites artificiales trazados en Europa, fue mantenida intacta. Cuarto, a pesar, o más bien, en vista de la fuerza de la diversidad cultural en modos de vida, lenguas, historia e identidad de nacionalidades bajo su jurisdicción, los nuevos regímenes adoptaron un encare reglamentarista con respecto a la necesidad fundamental de la creación de la unidad nacional. Sin embargo, este ideal puede ser mejor realizado a través de un proceso que asegure un trato equitativo para todos.

El ataque lanzado durante el período colonial para destruir las instituciones indígenas africanas de organización social, autodeterminación e identidad cultural, fue heredado por los estados independientes y de hecho intensificado, no más en nombre del imperio sino de la creación de una unidad nacional. Los regímenes africanos en lugar de reaccionar sobriamente y comenzar a dialogar con la ciudadanía, a fraguar remedios para los males, predeciblemente producidos por el nacimiento deforme del estado nacional neo-colonial y su inherente injusticia, han rechazado inexorablemente aún las demandas más fundamentales y claramente legítimas como simples aberraciones retardatarias inspiradas por sentimientos tribales y antipatrióticos. Es innecesario aclarar que ésta era en realidad la posición asumida por los regímenes coloniales, que concebían las aspiraciones de autodeterminación de Africa para hacer valer sus derechos humanos fundamentales, como agitaciones de pueblos aún en la era de civilización humana primitiva, con el fin de disturbar la ley y la administración ordenada.

El curso seguido por los líderes africanos para construir los estados nacionales, basado en la tentativa de eliminar la diversidad cultural ha probado ser en el corto período poscolonial, un desastre rotundo. La tarea esencial de la construcción de los estados

Bailarines maasai de Usangu, Tanzania suroccidental. Foto: Jens Dahl.

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nacionales, se ha, por consecuencia, resentido a través del continente y se ha convertido en un atolladero de disputas limítrofes y guerras sin fin entre nacionalidades que afirman su derecho a la existencia cultural. Esto a su vez ha llevado a que los escasos recursos utilizados para mejorar las condiciones de vida de pueblos o para el progreso nacional, han sido desviados hacia armamentos sofisticados y un mayor número de ciudadanos en armas. La tragedia humana del hambre exacerbada por el hombre y el sufrimiento de las masas ha sido la suerte consiguiente de los pueblos africanos, en millones. Las necesidades materiales básicas y los derechos humanos de los ciudadanos, han sido persistentemente objeto de una atención secundaria, ya que la desgracia de la destrucción se ha priorizado. El básico derecho humano a la identidad cultural es ridiculizado y despreciado como aberración intolerable incompatible con el objetivo fundamental de construir estados nacionales unidos. Por eso los pueblos africanos que se encuentran fuera de la corriente principal en la sociedad se vuelven políticamente impotentes al ser violadas sus libertades fundamentales y sus derechos básicos con impunidad a través de la discriminación, prejuicio, exclusión de la dirección de los cambios que afecten su vida, en nombre de la unidad nacional y del progreso.

Tanzania es reconocida por haber tenido mucho éxito, respecto a otros países africanos, en promover el sentido de identidad y unidad nacional. Tanganica y Zanzíbar conquistaron la independencia de Inglaterra en 1961 y 1964 respectivamente. Los dos gobiernos formaron inmediatamente una unión, la República Unida de Tanzania. Este país con más de 120 nacionalidades tiene una posición poco común en Africa, donde la mayor parte de la gente de la nación habla una lengua local común, *kiswahili* la cual provee un medio vital de comunicación transcultural.

Aún en este caso donde la situación política era muy favorable para la flexibilidad, fue adoptado el modelo estereotipo de la construcción del estado nacional y ésto sin el mandato del pueblo. A pesar de la retórica democrática de Ujamaa y de la política de Autogestión, el estado ha sistemáticamente institucionalizado un sistema sutil a través del cual mantiene estrecho control sobre la población. Un régimen de partido único ha sido insertado en la Constitución de la República Unida de Tanzania. En el marco del monopolio del proceso político promulgado en la ley suprema del país, el Partido procedió a entrelazarse con el gobierno y las fuerzas armadas. La maquinaria compuesta por "tres en uno" prescribe y refuerza políticas nacionales uniformes. Mantiene control del proceso de toma de decisiones sobre desarrollo, medios de comunicación, y de la relación política, social y económica.

2. La cuestión de las minorías indígenas de Africa

La gran mayoría de pueblos del Africa Oriental son de lengua *bantú*, que logran su sustento por medio de la agricultura y tienen culturas con mucho en común. La cultura nacional prescrita por el estado es construida con los sistemas de valores de la mayoría de la población, pero con influencias fuertes de las culturas europeas y árabes. La lengua nacional *kiswahili*, núcleo de la cultura prescrita, es en su mayor parte bantú y árabe, con una considerable influencia asiática y europea. El estereotipo moderno tanzaniano es concebido como alguien de habla kiswahalí, idealmente ocupado en forma activa en la agricultura o por lo menos de origen campesino.

En Tanzania, entre las nacionalidades minoritarias indígenas se incluyen los pastores *maasai* y *tagot* de lengua *nilótica*, y también los cazadores y recolectores *hadza*, *sandawe* y *dorobo*. Cada uno de estos pueblos tiene su propia cultura. Las comunidades de pastores y cazadores-recolectores han habitado extensas áreas de Africa Oriental durante más de 3.000 años. En el presente ellos constituyen sólo una pequeña proporción de la población total de Tanzania, Kenya y Uganda. En cada uno de esos países, sin embargo, aquellos pueblos constituyen un segmento diferenciado de la población nacional, pueblos que han mantenido la estructura de sus culturas, muy diferentes de aquellas de la población mayoritaria y del ideal nacional determinado por el estado. Ellos son claramente distintos al resto de la población, en vestimenta, lengua, sistemas rotativos de la utilización de recursos y en la relación con el medio ambiente. Los pueblos pastores y cazadores-recolectores perseveraron, a través de la resistencia pasiva para mantener sus estilos de vida indígena, tradiciones y culturas hasta el fin del período colonial. Estos son pueblos que han continuado, en el período de los estados nacionales independientes africanos, resistiendo las imposiciones de asimilación. Ellos no se han convertido en criadores de ganado ni tampoco han obedecido a la bien conocida política estatal de asentamientos obligatorios de aldeas, que fue una orden para toda Tanzania rural, a comienzos de los años setenta. Ellos no son más sumisos ahora al control del estado, que bajo los regímenes coloniales europeos. Por esta oposición ellos recibieron el estigma de resistir a la modernización e incluso ser incapaces de adoptar un modo "civilizado".

Contrariamente a los prejuicios predominantes, estas sociedades no son en ningún modo estáticas, rígidas u hostiles a la interacción o el intercambio cultural. Tampoco se han opuesto irracionalmente a un desarrollo económico ni han sido intransigentes en tratar con intereses y fuerzas externas. Durante años ellos han interactuado con pueblos de otras culturas y a menudo adoptado cambios que eran inconcebibles para las generaciones anteriores. Esos pueblos han aceptado cambios que ellos percibían podrían enriquecer su bienestar. Ellos han mientras tanto reconocido y tácticamente negociado para ganar concesiones, para disminuir el impacto de imposiciones que ellos sabían que serían en su perjuicio. No han contraído compromisos ciegos con la tradición, ni recaído en la adopción de cambios prescritos de afuera, provengan éstos del estado o de la moda de la sociedad dominante prevaleciente en el momento.

En los 100 años a partir de 1890 tanto las colonias como posteriormente los estados africanos independientes, han continuamente luchado por eliminar la identidad cultural de nuestros pueblos, mediante políticas de asimilación y de alienación de la tierra que es la base de nuestra sobrevivencia. Este no es un genocidio cultural generalizado contra las minorías. En Africa Oriental las minorías de descendencia africana, árabe y europea tienen libertad para mantener sus modos de vida, lenguas y religiones sin intervención del estado. Son específicamente las culturas africanas indígenas, las que conocidas por tener profundas raíces en sistemas de valores, lenguas, estilos de vida, y sistemas económicos de orientación comunitaria, todos profundamente diferentes a aquellos de la población dominante, lo que activamente ha sido el blanco de un total aniquilamiento. Ellas son despreciadas como retrógradas, reliquias evolutivas de edades primitivas pasadas y francamente vergonzosas para la imagen nacional.

En lugar de apreciar y aprovechar el potencial de la diversidad cultural y sistemas de producción en la construcción de las nuevas naciones, los regímenes africanos están decididos a subyugar a las minorías indígenas bajo sus jurisdicciones, para al final terminar con su resistencia a la asimilación. Los valores practicados por nuestra gente están en desacuerdo con la prescripción nacional uniforme. Esta enorme abe-

rración ha condenado a las minorías indígenas africanas a una ciudadanía inhumana, pueblos cuya herencia cultural es despreciada y relegada a la irrevelancia, en la formación de los estados nacionales, de los cuales ellos han llegado a ser ciudadanos no por su propio deseo, sino como un resultado del Acuerdo de Berlín de 1884 entre los poderes europeos sobre la partición y conquista de Africa.

Este es un ejemplo de pueblos que consecuentemente han mantenido una inamovible confianza y orgullo en sus culturas a pesar de implacable ataques del estado y de la sociedad dominante dominada por el chauvinismo, proveniente de la superioridad derivada del control de la centralizada máquina de dominación. Pero su pertinaz resistencia a la asimilación ha resultado en una marginalización en el proceso de desarrollo, control de recursos y ejercicio de los derechos humanos. Los criterios primarios usados nacionalmente son la distribución de recursos para servicios sociales e infraestructura económica. Tanto el estado como la comunidad donante internacional tienden a utilizar el criterio de densidades de población y contribución en la producción agrícola comercial para el reparto de los recursos de desarrollo. El sistema de reparto de los recursos basados en estos criterios ha sido una de las principales causas por la cual las minorías indígenas han sido dejadas a un lado del proceso de desarrollo, de obtener una parte justa de los recursos destinados al desarrollo.

Las minorías indígenas africanas son una parte integral de la extendida familia mundial de pueblos indígenas, claramente no en virtud de ser los aborígenes del continente. Es sólo en esta última década del siglo en que Africa ha estado bajo la subyugación extranjera, que el acceso a la comunicación trans-continental nos ha despertado a una realización decisiva. Estamos conscientes que pertenecemos a una auténtica familia mundial de pueblos que a pesar de su diferente entorno socio-ecológico concreto, ha mantenido sus viejos sistemas de valores comunitarios y una visión coherente de la totalidad del universo en una configuración de poder perversa del mundo, dominada por el culto de la conquista desconsiderada. Segundo, la desastrosa condición histórica común en relación a los poderes dominantes de la tierra y la perseverancia para sobrevivir con dignidad mutuamente reconocida por todos los pueblos, al derecho fundamental a una coexistencia cultural distinta y de pueblos que mantienen estilos de vida sostenibles respecto a la naturaleza. La tercera semejanza se articula a la tierra ancestral a la que nos relacionamos con profundo respeto espiritual y entregamos históricamente a nuestros niños en el nacimiento; donde en comunidad aprendemos a ser responsables, disciplinados y mantener valores coherentes que unen fuertemente las nuevas generaciones a nuestros ancestros; y donde volvemos cuando morimos. Nosotros, en común con el resto de la humanidad, estamos decididos a vivir en dignidad, consolidada en esa resolución, por la conciencia de que no estamos aislados sino ciertamente somos parte de la lucha global de los pueblos indígenas en la restauración del respeto a nuestros derechos a una identidad cultural y a la tierra de nuestro nacimiento. Estos derechos humanos fundamentales que han sido violados descaradamente por culturas dominantes en un mundo amenazado por la conducción imprudente de la suprema arrogancia del poder para saquear los recursos globales naturales y subyugar a los pueblos.

Moringe Parkipuny, representante de KIPOC, Tanzania. Foto: Jens Dahl.

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3. Obstáculos para una organización autónoma

Bajo estas circunstancias, la formación de auténticas organizaciones ha sido dañada por el estado, el cual sospecha de que tales instituciones vayan a invadir y arruinar su monopolio de poder. Las organizaciones que son autónomas del estado son registradas bajo la Ordenanza de Sociedades de 1954, la cual es parte del legado colonial y no ha sido alterado en las últimas tres décadas. Y no se les otorga reconocimiento legal como un derecho democrático de los ciudadanos para organizarse, sino bajo la discreción del estado. El proceso de registro es molesto, largo y propenso al bloqueo político. Además las organizaciones legalmente existentes, están sujetas a la vigilancia del estado, la cual suele acompañarse de hostigamientos y, finalmente de prohibición. En vista de estas circunstancias, donde la existencia autónoma está a la merced del estado, no sorprende que legítimas organizaciones de base sean una rareza en Tanzania.

El estado sospecha aún más en el caso de las organizaciones de pueblos que están marcados por el estigma de anti-nacionalismo y "resistentes al progreso" por haber desafiado las fuerzas desplegadas en el esfuerzo por disolverlos, para asimilarlos en una hipotética cultura nacional y en una vía de desarrollo que requiere que las nacionalidades minoritarias descarten sus sistemas de valores indígenas. Pasamos por un doloroso proceso que duró tres años, antes de poder finalmente asegurar el registro formal de KIPOC. Además fuimos forzados a conformar una estructura de organización predeterminada por la Ordenanza de Sociedades. Los miembros fundadores de KIPOC tenían que modificar la redacción original de su constitución, la que permitía una estructura representativa que estaba de acuerdo con los sistemas de organización de los pueblos pastorales. Nos tuvimos que conformar con el prescrito sistema de afiliación individual, precisamente para tener una posibilidad de ser registrados. Aún después que Kipoc había sido registrada fuimos convocados por funcionarios del Partido regente a nivel de distrito, para justificar la existencia de KIPOC, al comité del Distrito encargado de tratar los asuntos de seguridad, a pesar de que según nuestro conocimiento ni siquiera había una seña de que fuéramos una amenaza para nadie. La citación nos llegó como una verdadera sorpresa, porque ya habíamos dado voluntariamente a aquellos funcionarios la información relevante a todo nivel en todos las eta-

Bailarines maasai de Usangu, Tanzania suroccidental. Foto: Jens Dahl.

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pas del proceso de solicitud de la inscripción. Hicimos eso como acto de buena voluntad para prevenir anticipadamente intrigas políticas locales. La Ordenanza de Sociedades obliga sólo al registrador, pero no a aquéllos que hacen el trámite de registro, a considerar las opiniones del Comisario de Distrito correspondiente, que encabeza el Gobierno Central a ese nivel. Es necesario al respecto mencionar que los concejales locales elegidos en Ngorongoro habían adoptado resoluciones, primero de apoyar la iniciativa tomada para formar la organización y luego de presionar por su rápido registro.

3. El viento de la democratización

El actual resurgimiento mundial de cambios democráticos ha llegado a Africa. Esto marca el comienzo de una nueva fase en la difícil situación del continente. La dramática caída de los regímenes autocráticos y el súbito clamor popular debatiendo su destino a través del continente en estas tempranas horas de la década del noventa son manifestaciones de cambio irreversible. Para los dictadores, el desorden reina en Africa. Para otros el sistema de democracia multipartidaria del occidente está avanzando casi hasta los límites de Africa, con la intención de completar la unificación económica, política y cultural de todo el mundo. El pluripartidismo en sí, no eliminará las miserias que afligen a Africa. Esto es muy obvio viendo la patética condición de las minorías que incluye a la gente de color y nativos de América del Norte, en los Estados Unidos, cuna orgullosa de esa Constitución de Libertad, mayor vocero del pluripartidismo y superpotencia mundial inigualada, dónde el pluralismo político no ha garantizado la paz social, económica o ambiental. También la India, la democracia de tipo occidental más grande del mundo, ha sido pluripartidaria por más de medio siglo y no ha podido despojarse de su herencia colonial. Es muy obvio que el pluripartidismo no ha significado un cambio para la abrumadora mayoría de los pueblos del sub-continente que posee una de las culturas indígenas más fuertes de este planeta. Hasta este mismo día, la gran India sufre destrucciones socio-ambientales abrumadoras y crecientes.

Según nuestra opinión, lo que queda claro es que Africa está en un importante movimiento en los umbrales del siglo 21. Más allá de esto no está claro hacia adonde vamos. Este atrasado continente no puede permitirse ser atrapado por otro comienzo falso. Tanto los sistemas pluripartidarios como el unipartidario de la Unión Soviética son occidentales. El cambio de la dominación colonial a un gobierno unipartidario en Africa fue tanto una reacción amarga a la inhumanidad del crudo período de la hegemonía Occidental, la cual negaba a los pueblos colonizados una voz en su destino, como un traspaso de la creencia dominante de los gobernadores de la época, de que los pueblos africanos estaban tan primitivamente fragmentados en tribus hostiles entre sí, que ellas sólo podían vivir en harmonía bajo una bandera, bajo el poder de una autoridad fuerte y central. Escaparse de los horrores de la herencia colonial y saltar con júbilo en el pluripartidismo, en el marco de estructuras de poder conferidas a Africa en la independencia, es sumamente desgraciado y peligroso.

Africa no debería dejar de entrar en un dialogo crítico sobre su herencia colonial política y económica, como un aspecto crucial en la búsqueda de formas alternativas de gobierno y de un orden económico global nuevo. No hay duda, la preocupación por la promoción de los derechos de la mayoría y la necesidad de consolidar la unidad nacional son vitalmente necesarias. Pero estas inquietudes nunca deberían ser llevadas adelante de tal manera que excluyan la igualmente esencial obligación de proteger los derechos básicos de las vulnerables minorías culturales nacionales. Seguir el curso de la mayoría de un modo que implica el tratar de aniquilar a las minorías, destruye la misma base de unidad entre pueblos multiculturales y coloca un elemento principal de los derechos humanos -la diversidad cultural- fuera del programa nacional. La realidad de los estados nacionales multiculturales no puede seguir siendo ignorada si se espera conservar en el país la harmonía socio-ambiental o crear una auténtica unidad nacional.

Entre otras perspectivas, el gran cambio político que ha comenzado a manifestarse en Africa saca a luz, la cuestión reprimida del derecho de las nacionalidades indígenas a su identidad cultural. Estamos en el umbral de un período que probablemente atestiguará un progreso cualitativo en la medida en que los pueblos del Africa tomen control de su destino. Esto es a través de organizaciones de base autónomas, sin el temor de la intimidación y destrucción de parte del estado, que intenta fortalecer el rígido monopolio de poder que ha tenido desde la obtención de su independencia. En este contexto, el nacimiento de KIPOC es oportuno. Estamos decididos a desarrollar esta organización en un instrumento de base dinámico con fuerza sostenible para motivar y dar apoyo a los pueblos minoritarios indígenas de Tanzania, quienes están actualmente excluidos de la conducción del proceso de cambio que los afecta como pueblos.

Señora Presidente, nosotros la invitamos y le suplicamos visitar el Africa. De tal manera Ud. nos dará un inmenso apoyo moral. Señora presidente, hermanos y hermanas presentes aquí en representación de sus pueblos y grupos de apoyo, surge de forma notoriamente clara de las exposiciones que hemos compartido, que la Madre Tierra y los pueblos indígenas están enormemente alterados. La implacable determinación de unidad, es sin duda nuestra fuerza más grande. Como Nelson Mandela recordaba a su pueblo años atrás, EL CAMINO HACIA LA LIBERTAD NO ES FACIL. VENCEREMOS.

Moringe Parkipuny, es Secretario Ejecutivo de KIPOC, Organización de Pueblos Pastores. ❑

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Declaración de KIPOC

O.N.G. para Pueblos Pastores, Territorios Maasai del Norte, Tanzania

Por: Shomet Naingisa

Introducción

Sra. Presidenta, honorables miembros del grupo de trabajo, Sres. Sras., en nombre de mi delegación agradezco mucho esta oportunidad de dirigir la palabra a los participantes de esta conferencia por primera vez.

Doy paso a la presentación de mi declaración, la cual se centra en las foráneas y mal concebidas políticas de conservación de la fauna salvaje, puestas en práctica en nuestro país y en su consiguiente impacto negativo sobre los derechos del pueblo indígena *maasai*.

Expropiación de los recursos de fauna salvaje

En el contexto de la colonización, la cual subsecuentemente incrementó la caza comercial local, y antes de que la caza por placer europea redundara en la destrucción del territorio, los animales domésticos y salvajes coexistían a lo largo de extensas zonas de Africa. En Africa Oriental un grandísimo número de animales en libertad, de numerosas especies, continúan habitando ecosistemas que han sido el hogar común de los pueblos indígenas y de la fauna salvaje durante miles de años. El derecho natural de todas las criaturas a una existencia sin molestias basada en los recursos comunes de la tierra persiste hasta hoy como una parte esencial de la creencia y de los sistemas de valores de las minorías indígenas de Africa.

Entre los *maasai*, los animales salvajes son ganado del creador y una reserva para ser utilizada sólo en tiempos de extrema pérdida de animales, lo que expondría a la comunidad a la inanición.

Gracias a la supervivencia de nuestros sistemas de valores indígenas y de los sistemas tradicionales de utilización de los recursos, las tierras pastorales han conservado el patrimonio de una abundante fauna salvaje.

Hay pocos lugares en nuestro planeta donde se encuentra fauna salvaje en tal abundancia y tan distribuida en todo el territorio, como en la tierra *maasai*. La zona cuenta con más del 50% de la población total de animales salvajes en Kenya y Tanzania. La política de creación de reservas de fauna salvaje y turísticas exclusivas, la cual fue trasplantada a Africa Oriental desde América del Norte, ha sido la causa de pérdida de grandes territorios de pastoreo *maasai*, hasta un punto quizás inigualado, en todo el continente africano.

En el presente cerca del 80% de los turistas de safari fotográfico que llegan a los dos países (Kenya y Tanzania) visitan las reservas artificiales, desgajadas de los extensos ecosistemas *maasais* y de fauna salvaje.

La arbitraria creación de reservas impuesta sobre la tierra por medio de la desposesión de los pueblos indígenas, quienes han protegido su entorno y su patrimonio tan acertadamente que ello ha conseguido el reconocimiento mundial como patrimonio de gran valor para la humanidad, viven una existencia precaria al no tener la fauna salvaje acceso a todo el ecosistema.

Junto a la arbitraria expropiación de pasturas de calidad, y ésto sin compensación, estos mismos pueblos que han protegido sus recursos de fauna salvaje tan magníficamente, que hoy constituye un patrimonio digno del orgullo nacional y mundial, son condenados a una flagrante privación y a un miserable empobrecimiento. "La aristocracia" de la conservación continuamente hace uso de una política decadente que niega el derecho de nuestro pueblo a participar en la administración de las reservas y a compartir una parte de los lucrativos ingresos que son recaudados de la utilización de los recursos de nuestra tierra. El legado de la conservación continúa dictando la expulsión de los pueblos indígenas de sus tierras, la exclusión de tanto la gestión de estas zonas como de la participación en las ganancias que son conseguidas de los recursos que históricamente son nuestros. Esto constituye una grave violación de nuestros derechos humanos básicos.

Absurdamente, en nombre de la protección de la fauna salvaje, los derechos más fundamentales de precisamente los pueblos que eficazmente han protegido los animales, son totalmente ignorados. Esta fundamental persecución agrava el peligro de nuestra estimada cultura y fuerza unas condiciones que llevarán a la eliminación de la fauna salvaje, un gran patrimonio natural tanto de nuestra tierra como de la humanidad.

La crisis del Area de Conservación de Ngorongoro. Las raíces de la expropiación y el consiguiente empobrecimiento y marginalización.

A pesar de las fuerzas constantes y poderosas empeñadas en desalojarlos de Ngoron-

goro, hasta ahora los *maasai* se han mantenido inexorablemente en su tierra. Estas fuerzas revindican que operan en nombre del mundo entero.

Cuando el Parque Nacional Serengeti, que incluye las Sierras de Ngorongoro fue establecido en 1951, los derechos básicos de los pueblos indígenas a los recursos de la tierra fueron reconocidos. Sin embargo, la enmienda de 1954 a la Ordenanza de Parques Nacionales, abolió los derechos consuetudinarios de ocupación y cultivo dentro del área. Esto restringió profundamente los derechos básicos del pueblo a la tierra.

En un abrir y cerrar de ojos Serengeti se convirtió en el foco de la mayor crisis relacionada con los *maasai*, la administración colonial de lo que fue entonces Tanganyika y el trabajo del lobby internacional para la protección de la fauna salvaje en el mundo occidental.

Los intereses conservacionistas de la fauna salvaje implementaron demandas inequívocas para la expulsión del parque de los *maasai* locales. El difunto Prof. Grizimek, de la Sociedad Zoológica de Frankfurt, llegó hasta a solicitar que Serengeti estuviera bajo la O.N.U. Cuando esto fracasó, ofreció la recaudación de fondos para comprar todas las tierras, expulsar a los *maasai* y convertirlo en un dominio exclusivo de fauna salvaje y turistas.

Las autoridades coloniales británicas cedieron a la masiva presión y ordenaron a la gente desalojar Serengeti y Ngorongoro. Pero los *maasai* rehusaron enérgicamente obedecer. Enfrentada a una sangrienta y costosa guerra de guerrillas, p.ej. la lucha del territorio *mau-mau* al otro lado de la frontera con Kenya, las autoridades no podían arriesgarse a otra potencialmente costosa rebelión indígena en su vecindad inmediata. Por ello el gobierno solicitó consejo de expertos y después negoció una solución de compromiso para amenguar la tensión.

En el tiempo en que las llanuras de Serengeti y no la meseta de Ngorongoro era el foco de los intereses conservacionistas de la fauna salvaje, se llegó a un Acuerdo que declaraba los bosques occidentales y una porción de las llanuras de Serengeti como parque nacional convencional. Los *maasai* aceptaron el compromiso de retirarse al área de conservación de Ngorongoro donde se les prometió una garantía de los derechos que permanentemente estaban perdiendo con la alienación de Serengeti.

Dirigiéndose al Consejo Federal Maasai el 27 de agosto de 1959, el gobernador británico del entonces Tanganyika Sr. Richard Turnbull, dijo "les debo dejar claro a todos Uds. que la intención del gobierno es desarrollar la meseta de Ngorongoro en interés de todos los que la usan. Al mismo tiempo el gobierno intenta proteger la fauna y los habitantes del área. Pero si hubiera algún tipo de conflicto entre el interés de la fauna y los habitantes de la zona, los últimos tendrían preferencia. El gobierno está dispuesto a empezar el trabajo de incrementación de las aguas y la mejora de las pasturas de las llanuras de la meseta y de las tierras a su alrededor. Por su parte Uds. deben cuidar de cumplir con los acuerdos que Uds. mismos han firmado, para conservar el territorio a conciencia. Uds. no deben destruir el bosque, ni dejar pastar a su ganado en las zonas que han sido cerradas por algún plan de pastoreo controlado; al mismo tiempo no deben dejar de seguir las instrucciones veterinarias para prevenir enfermedades".

En 1960 diversas reservas de agua fueron construidas en la reserva de Ngorongoro en un intento de cumplir los términos de las promesas hechas por el gobierno. De todas maneras estos proyectos de agua, posteriormente resultaron ser temporales e inconmensurables en relación con el valor de los recursos naturales permanentes de la tierra perdidos ante el gobierno. Además ninguna de las reservas construidas funcionan ahora. Consecuentemente los *maasai* de Ngorongoro han continuado sufriendo persistentemente de falta de abastecimientos fiables de agua potable para uso doméstico y para su ganado. Además de todo ésto, el derecho garantizado a la tierra y a un interés prioritario prometido en 1958 y repetido por el gobierno de Tanganyika al Consejo Federal Maasai, fue ignorado por las autoridades, tan pronto como el gobierno obtuvo lo que quiso.

Debido a la inherentemente frágil premisa de la opción de uso múltiple de la tierra en Ngorongoro, el área de conservación ha sido inevitablemente dirigida de acuerdo a bases *ad hoc*; Ngorongoro no ha tenido, desde su comienzo 30 años atrás, una administración global oficial concreta o un plan de desarrollo. El vacío ha dado a la administración del área de conservación y a los patrocinadores de la conservación el arbitrio de tomar decisiones y actuar en su conveniencia, incluso en contra de la esencia de la ley y la justicia, en contra de estas facetas de la opción de uso múltiple de la tierra, que a pesar de estar previstas por la ley, son consideradas por ellos anómalas en el marco del concepto de la preservación de la correcta conservación. Cuando los *maasai* objetaron al gobierno la decisión de abolir el cultivo en Ngorongoro en 1974, se les prometió que una sucursal de una compañía de comercio, cuya tarea principal sería asegurar la disponibilidad de suministro de grano adecuado en las tiendas de los poblados de la zona, se abriría en Ngorongoro. Al mismo tiempo se les prometió el desarrollo de una economía ganadera más productiva, la cual

Hombres maasai del suroeste de Tanzania mirando a sus rebaños. Foto: Jens Dahl.

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Mujer maasai de Ngorongoro, Tanzania. Foto: Frans Welman

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les permitiría asegurarse un aumento de la calidad de vida sin tener que recurrir a la agricultura.

Los *maasai* han sido descritos en la literatura antropológica como que viven sólo de leche, carne y sangre. De hecho, sin embargo siempre han completado esta dieta principal con granos conseguidos de los vecinos, a cambio de algo o comprados con dinero ganado de la venta de ganado o de sus productos. La situación que prevalece ahora en el Area de Autoridad Conservacionista de Ngorongoro es profundamente diferente del ideal pastoral. En las décadas de los 70–80, los *maasai* de Ngorongoro han sufrido un desastroso deterioro de su economía. Ahora menos del 40% de las necesidades de comida de los *maasai* de Ngorongoro procede de los productos del ganado, de los cuales mas de 60% es obtenido fundamentalmente en forma de grano. Este dramático cambio nutritivo refleja la difícil situación de empobrecimiento extremo, lo cual ha obligado a los *maasai* del Area de Conservación a depender de grano de modo creciente. Las capacidades productivas y reproductivas de la ganadería en Ngorongoro se han venido abajo. Mientras que la población humana ha aumentado, de aproximadamente 9.000 en 1960 a 23.000 en 1988, durante el mismo período, la cantidad de ganado ha disminuido en aproximadamente 120.000 cabezas.

Por consiguiente la mayoría de las familias de una comunidad que hasta hace poco estaba constituida por pastores pudientes, han quedado desposeídas y viven en la miseria en las manos de los conservacionistas. En esta situación los pocos pudientes son incapaces de alimentar a todos los parientes que no pueden mantenerse a sí mismos. El sistema comunitario local de seguridad social, ha alcanzado sus límites. En este momento, los grupos afectados por la pobreza, tienen muy pocas posibilidades excepto la recolección de miel, cultivo, aunque sea ilegal, el comercio de la cerveza de miel, y por supuesto, están dispuestos a convertirse en reclutas de los cazadores de trofeos. Las mujeres que han perdido sus principales fuentes de ingresos en forma de leche excedente y medios suplementarios para dar de comer a sus hijos, tienen que concentrarse en el cultivo ilícito y comerciar con cerveza de miel junto a bebidas alcohólicas locales. Por otra parte, ésto ha conducido a un aumento del suministro y del consumo de bebidas alcohólicas en detrimento de una parte extensa de la comunidad, ya que muchos individuos terminan tomando bebidas alcohólicas sin tener nada para comer. Las mujeres, siendo el último miembro de la familia en comer, después de haber repartido comida a todos los demás, sufren siempre más que nadie por la falta de alimentación.

Niños maasai observando al ganado en el suroeste de Tanzania.
Foto: Jens Dahl.

El diabólico proceso de empobrecimiento todavía está en aumento. Las críticas constantes y embarazosas al gobierno, de no hacer caso de las vergonzosas condiciones que se les han impuesto a los *maasai* de Ngorongoro, ha llevado al Ministerio de Recursos Naturales y Turismo a nombrar a una Comisión en 1988. La Comisión Ngorongoro tuvo el mandato de analizar informes de expertos especializados, preparados bajo los auspicios de la Unión Internacional para la Conservación de la Naturaleza y Recursos Naturales, y otros materiales importantes y luego presentar un informe con recomendaciones para el gobierno sobre maneras de resolver la crisis excepcional de la región.

En agosto de 1990, la comisión entregó al ministerio una nueva adición a la colección de informes con recomendaciones múltiples sobre la crisis del Area de Conservación de Ngorongoro. Entre las recomendaciones de este informe, la comisión pidió especialmente al Gobierno tomar medidas de emergencia para detener la pérdida de ganado y aliviar el sistema de suministro de alimentos para salvar a los *maasai* del hambre.

Tres miembros electos de los *maasai* se desempeñan en esta comisión. Uno de ellos ha sido miembro del Parlamento por el distrito, fue la quinta vez que participó de la Comisión en Ngorongoro durante un período de diez años, entre 1980 y 1990. Hasta el momento nada se ha hecho sobre los informes elaborados por las cinco comisiones.

Para completar la delicada situación, no ha llovido este año por lo que hay realmente escasez de granos. En tal situación, los que no producen su propio alimento están muy afectados. El cultivo permanece estrictamente prohibido en Ngorongoro. Este año y en nombre de la protección de la fauna salvaje, el riesgo de morir de hambre en el área de Conservación de Ngorongoro, es real. Aquí está nuestro futuro.

Shomet Naingisa es el Presidente de KIPOC. ⌟

Testimonio de la Asociación Xavante de Pimentel Barbosa. (Matto Grosso, Brasil)

Brasil, América del Sur

Por: Sereburâ Xavante

Mi nombre es Sereburâ Xavante, vine aquí acompañado de Paulo Supretapra, de mi misma aldea. Nosotros representamos a la "Asociación Xavante de Pimentel Barbosa", en el Estado de Matto Grosso, Brasil, afiliada a la "Unión de las Naciones Indígenas" (UNI) del Brasil. UNI, por su parte, forma parte de la Coordinadora de las Organizaciones Indígenas de la Cuenca del Amazonas (COICA).

En el pueblo Xavante yo soy un *rotsamari'wa*, quiere decir, un abogado. Como usted, Sra. Presidenta, yo también trabajo para que diferentes grupos de personas, con intereses diferentes, logren acuerdos y los respeten. Como soy *rotsamari'wa*, entiendo la difícil e importante tarea que Usted y el Grupo de Trabajo desarrollan en beneficio de todos los pueblos indígenas del mundo.

Yo ya soy viejo y es la primera vez que tomé un avión para poder venir aquí. Durante todo el vuelo me agarré bien del asiento, pues tenía miedo de volar, pero quería venir aquí, a hablar con ustedes con todo respeto, y traer a usted y a las Naciones Indígenas aquí presentes, un abrazo de la nación *Xavante*.

Sereburâ Xavante ofreciendo al Presidente un "uibro", un símbolo xavante de mutuo entendimiento. Foto: Alejandro Parellada.

La situación en Brasil desde las últimas sesiones de su Grupo de Trabajo, no mejoró, especialmente en cuanto a la cuestión de los derechos de la tierra. Nosotros, las naciones indígenas de Brasil, queremos que sean respetadas nuestras tierras, pues nosotros respetamos la de los blancos. Pero ellos invaden nuestras tierras, las contaminan con fertilizantes químicos agrícolas que, cuando llueve, penetran el suelo para después alcanzar nuestros ríos, contaminando las aguas y acabando con la pesca.

Para nosotros, lo único que interesa en la vida es la tierra. De ella tomamos el aire para respirar, el agua para beber. Pero queremos que el agua sea limpia, que no se arrojen venenos en ella. Nosotros protegemos y preservamos la naturaleza no solamente para que nosotros podamos vivir, sino también para que los pájaros, insectos y plantas continúen existiendo en harmonía con nosotros en la naturaleza.

¿Cuál es entonces la razón de atacar al indio? ¿La razón para robarles todo? ¿Qué le hicimos a los blancos? Nosotros ocupamos nuestras tierras desde muchas generaciones atrás y tenemos derecho de continuar

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viviendo en ellas. Pero los blancos están acabando con nosotros. Si fuese por los blancos, ya no tendríamos más selva. Los blancos no respetan a la gente, pero nosotros sí los respetamos, ellos son incapaces de entender eso. Todavía tienen mucho que aprender.

En nuestra aldea tenemos también problemas, principalmente en el área de educación y salud. El Gobierno de Brasil no está dando la debida atención médica. En nuestra aldea no hay doctor ni enfermera, ni tampoco vienen nunca.

Tampoco tenemos escuela y, a pesar que repetidas veces hemos pedido al Gobierno que nos proporcione la posibilidad que nuestros hijos adquieran una educación básica, de acuerdo con nuestra cultura y nuestra lengua, no estamos siendo atendidos.

La situación de nuestra comunidad no es única. Muchas otras comunidades indígenas en Brasil están sufriendo éstos y otros problemas muchos más serios como es el caso de los *yanomami* que están siendo aniquilados. Si el Gobierno de Brasil no toma medidas drásticas e inmediatas, la *Nación Yanomami* desaparecerá.

Señora Presidenta, soy viejo y seguramente no podré participar nuevamente en su Grupo de Trabajo. Por eso, deseo ofrecerle un símbolo *xavante* de recuerdo. En la *Nación Xavante*, cuando dos líderes conversan y llegan a un acuerdo, uno de los líderes da al otro un "*Uibró*", el símbolo de entendimiento mutuo entre dos líderes. Le traje un "*Uibró*" para Usted, Sra. Presidenta, y espero que lo reciba con el mismo espíritu de amistad y respeto con el que yo se lo ofrezco.

Muchas gracias, Sra. Presidenta, por su atención. ❑

Mapa de Brasil

Sereburá Xavante, indio xavante de Brasil. Foto: Alejandro Parellada.

La historia de Sandra

Por: Pauline Comeau

El protocolo opcional de la Convención Internacional sobre Derechos Políticos y Civiles contempla la posibilidad de realizar quejas por parte de individuos en contra de sus gobiernos frente a los 18 miembros de la Comisión de Derechos Humanos. Pauline Comeau habló recientemente con Sandra Lovelace, del New Brunswick Micmac, cuyo cargos de discriminación en contra de Canadá contribuyeron a cambiar la legislación canadiense y alertaron a los pueblos indígenas sobre las posibilidades ofrecidas por dicho proceso.

Parecía bastante simple. Divorciada y viviendo en los EEUU, Sandra Lovelace decidió al final de los 70, que quería volver a su patria, Canadá, con su hijo.

Pero los indios *micmac* de New Brunswick pronto descubrieron que ella ya no reunía la calificaciones necesarias para disfrutar de los derechos y beneficios de los otros indios a causa de una política gubernamental de 100 años de antigüedad. ¿Porqué? Porque Sandra Lovelace se había casado con una persona no india y ésta era razón suficiente para descalificarla, tanto a ella como a su hijo.

La mujeres nativas habían tratado de cambiar esta política durante años y decidieron usar a Lovelace como un caso de prueba. Las evasivas por parte del gobierno y las cortes, hizo que el esfuerzo fuera concentrado en el Comité sobre Derechos Humanos de la ONU.

El argumento fue el siguiente: la ley discriminaba en contra de Lovelace porque ella era una mujer. Los hombres nativos que se habían casado con mujeres no-indias no eran descalificados. Sus esposas e hijos eran automáticamente registrados con el estatus de indios y podían, por lo tanto, acogerse a las ventajas de todos los beneficios de financiamiento federal como la salud, educación y vivienda.

El Proyecto de Ley C-31 elimina alguna discriminación, pero no en forma total y eso no es suficiente

En 1981, el Comité decidió que la política era dicriminatoria, al negar a las mujeres y a sus hijos los derechos que eran suyos. La ocasión fue crucial. Canadá estaba en el medio del proceso de reforma de su constitución para incluir, entre otras cosas, una Carta de Derechos y Libertades que se referían específicamente a la igualdad de sexos. La continua resistencia a cambiar una política que era tan obviamente discriminatoria era cada vez más difícil para el gobierno.

En 1985, Canadá finalmente enmendó el Acta India con la aprobación del Proyecto de Ley C-31. La nueva ley estipulaba que ningún tipo de estatus podía ser adquirido o perdido por hombres o mujeres indias como resultado directo del matrimonio. Las mujeres que habían sido borradas de las listas de las tribus podían aplicar para su reinserción y la de sus hijos.

"Tengo entendido que la presión internacional sobre Canadá y la vergüenza fueron los factores claves en el cambio de los aspectos discriminatorios del Acta India", dijo Rose-Ann Morris, directora ejecutiva de la Asociación de Mujeres Nativas de Canadá.

Lovelace cree que la visita a la ONU brindó a las mujeres indias la oportunidad de ilustrar a otros sobre la cuestión. "Llevó a muchas otras organizaciones a nuestra forma de pensar", dice. "Al principio, muchos no nos apoyaban."

Pero la lucha no ha terminado. Seis años más tarde, las mujeres nativas están luchando por lo que ellas llaman la discriminación de segunda generación. Según la Ley C-31, los nietos de las mujeres que han sido vueltas a registrar y que son producto de matrimonios mixtos, son descalificados. La regla es que al tener sólo un abuelo con el estatus de indio, no constituye una línea sanguínea suficiente para calificar para el estatus.

Irónicamente, Lovelace, ahora de 42 años, está de acuerdo con la regla que podría descalificar a sus propios nietos. "Creo que es justo. Mi hijo es solamente medio indio. Si se casa con una persona no-india, diluirá la línea sanguínea." Sin embargo Lovelace cree que las mujeres nativas que quieran el cambio deberían luchar por ello.

"Algunos dicen que si hay sólo un abuelo indio, entonces cómo podrán aprender su cultura. Otros piensan que si uno aprende la lengua y la cultura, y hay una prueba, entonces ésa es la medida," dice Morris.

Su organización argumenta que el corte generacional afecta injustamente a más mujeres y sus niños que a los hombres. Como resultado, los hijos y los nietos de las mujeres que lucharon tan firmemente para cambiar la ley, son tratados en forma diferente

Mapa de Canadá

La educación es una forma de proteger los valores culturales propios. Foto en una escuela, Coral Harbour, Canadá. Foto: archivos de IWGIA.

que los hijos y los nietos de los hombres de la misma generación.

Un vocero del gobierno dijo que no hay planes para solucionar, lo que ellos admiten, son desigualdades vigentes. Al serle preguntado cómo el gobierno podía apoyar dichas discrepancias, Sandra Ginnish de Asuntos Indígenas pareció echar las culpas a los líderes nativos quienes se quejaban de la adicional carga financiera que deberían encarar. "Se debe dar alguna consideración a los puntos de vista de las tribus y toda la cuestión del restablecimiento de la pertenencia a las mismas y qué tipo de efecto éso ha tenido sobre las tribus," dijo.

Desde 1985, más de 17.380 mujeres y niños se han acogido a la Ley C-31

Los estudios muestran que el gobierno de Canadá subestimó seriamente el número de personas que podrían aplicar al estatus y quisieran retornar a las reservas. Cómo resultado, el financiamiento habitacional y otros programas no han podido mantenerse al nivel de la creciente población. Desde 1985, más de 17.380 mujeres y niños se han acogido a la ley C-31.

Morris dice que las reglamentaciones se aplican en forma despareja. La fecha de nacimiento y las leyes vigentes en el momento, pueden descalificar al aplicante. A diferentes tribus se les ha permitido aplicar sus propias restricciones a los aplicantes mientras que todos los indios reinsertos sean tratados de la misma manera. "La Ley C-31 elimina alguna de las discriminaciones, pero no en su totalidad y éso no es suficiente," dice Morris.

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Editorial

Los trastornos políticos que han conmocionado a varios continentes estos últimos años, han tenido profundos y prolongados efectos sobre las minorías y los pueblos indígenas. Las Repúblicas Soviéticas luchan por su derecho a la autodeterminación. ¿Pero cómo tratará Rusia a sus propios pueblos indígenas que han reclamado el mismo derecho? ¿Permitirá Boris Yeltsyn a la República Socialista Soviética Autónoma de Buryat transformarse en una república independiente – el mismo derecho, presentado con los mismos argumentos que él usó en nombre de la ex República Socialista Soviética Rusa?

Desgraciadamente no hay garantías de que los nuevos estados independientes den a sus propias minorías y pueblos indígenas los mismos derechos que ellos reclaman. Al contrario. Pero hay excepciones. Eritrea *podría* ser el primer país africano en reconocer los derechos de los pastores nómadas, tal como se indica en una extensa entrevista con el investigador eritreano Zeremarian Fre.

Durante décadas el Cuerno de Africa ha sufrido guerras y guerras civiles. La nueva Eritrea y la República de Somalilandia crecieron a causa de la represión de las minorías étnicas como, p. ej., el pueblo *isaq* en Somalia. Publicamos un artículo de fondo y un informe de testigos oculares de la recientemente formada república de Somalilandia.

En 1987 fue aprobada una ley de autonomía por la Asamblea Nacional en Managua, afectando la tierra de los indios *miskito* de la costa atlántica de Nicaragua, y en febrero de 1990 la elección para los consejos regionales dio a las minorías étnicas la mayoría de los escaños. Sin embargo, la implementación de la autonomía todavía está por efectuarse por el régimen pos-sandinista. Un importante obstáculo parecen ser las compañías con intereses forestales en la región de la costa atlántica.

De la misma forma que en Nicaragua, las compañías madereras son un importante obstáculo para los *mapuche pehuenche* en Chile. Estos indios todavía enfrentan la amenaza de ser desalojados de sus territorios.

En una entrevista con IWGIA, José Mirtenbaum da argumentos sobre el importante rol cultural, para los indios de América Latina, del uso de la coca a diferencia del uso de la cocaína.

En Australia, Aotearoa, EEUU y otros países, los pueblos indígenas exigen ahora la devolución de los restos mortales y objetos culturales que han sido, legal o ilegalmente, sustraídos por antropólogos y arqueólogos. Se han encontrado con la resistencia tanto de los científicos como de los gobiernos, pero los años recientes han revelado una actitud más positiva en relación a las exigencias indígenas. Presentamos dos artículos, sobre Australia y la isla de Kodiak, Alaska (EEUU), que se centran en la repatriación de restos mortales.

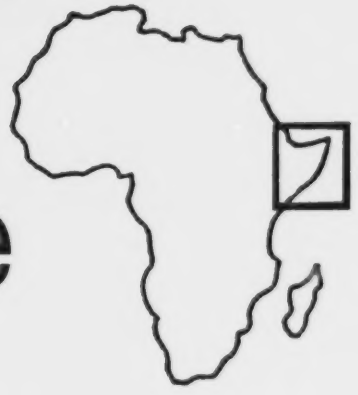
Un monje *tibetano*, uno de los autores de un panfleto por un Tibet independiente, fue sentenciado a 19 años de prisión en 1989. El llamado »grupo Drepung« publicó la »Valiosa Constitución Democrática de Tibet,« un ejemplar original de elaboración política – »quizás la primera que proviene de la generación de jóvenes tibetanos que han crecido bajo la dominación china,« escribe Ronald Schwartz. Presentamos su artículo y antecedentes en esta publicación.

Timor Oriental no es usualmente noticia de primera plana en los medios informativos. Hasta que el ejército de Indonesia masacró, en noviembre, docenas de civiles inocentes en un cementerio en la capital de Timor Oriental, Dili. Presentamos un importante documento sobre este horrible suceso que debería forzar a los gobiernos, especialmente al de Australia, a reconsiderar su relación con el régimen imperialista de Indonesia (ver también Boletín IWGIA 1/91). ❑

Jens Dahl

Portada: *Mujeres de la provincia de Sahel, Eritrea. Foto: Espen Wæhle*

Cuerno de Africa: Avance de la Autodeterminación e Independencia



En las últimas dos semanas del mes de mayo de 1991, el panorama político del Cuerno de Africa cambió dramáticamente. El Frente Popular Eritreano de Liberación (FPEL) obtuvo el control de las últimas ciudades de Eritrea. El Frente Popular Revolucionario Democrático Etíope (FPRDE) expulsó al régimen de Haile Menghistu en Addis Abeba, Etiopía. El Movimiento Nacional Somalí (MNS) y sus aliados declararon que la República de Somalilandia en la parte norte de Somalia se había separado del resto del país.

Los prolongados conflictos en el Cuerno de Africa han requerido un enorme costo en vidas humanas. El 31 de julio de 1991, la agencia de noticias Reuter, informó que más de 10 millones de personas en el Cuerno de Africa estaban sufriendo a causa de la sequía y de la guerra civil. La situación fue empeorada por la alta proporción de refugiados políticos y ambientales en la región. En setiembre de 1991, African Watch publicó el informe »Días Malvados«, en donde se estimaba que más de 750.000 personas perdieron sus vidas, entre ellas al menos 150.000 civiles resultaron muertos, durante la guerra de 30 años entre Eritrea y Etiopía. La más reciente guerra civil en Somalia ha dejado a la capital, Mogadishu, en ruinas y entre 5.000 y 8.000 personas se suponen muertas desde que la feroz lucha en la capital comenzó en diciembre de 1990. En otras partes de Somalia, incluyendo el norte, miles y miles han sido muertos, heridos y forzados a huir a países vecinos.

Una frágil paz ha sido establecida en algunas partes del Cuerno de Africa. Desde mayo, Eritrea y Etiopía han vivido en paz. En la República de Somalilandia, el lento proceso de rehabilitación ha comenzado, mientras que la situación política en Somalia es todavía indecisa y los combates continúan.

Presentamos aquí tres informes diferentes sobre la situación que ha emergido en el Cuerno de Africa.

Kitty Warnock, del instituto PANOS de Londres, informa sobre el estado de ánimo en la devastada ciudad de Hargeisa, la capital de la República de Somalilandia, así como sobre los acontecimientos conducentes a la declaración de la independencia de la parte norte de Somalia.

En »El renacimiento de la República de Somalilandia«, Yusuf Ali Sheikh Madar, el Ministro de Relaciones Exteriores, presenta una visión del gobierno recién formado. La conferencia de Djibouti referida en el artículo tuvo lugar entre el 12 y el 15 de julio de 1991.

El potencial, así como la necesidad de cooperación y comercio regionales, son bien destacados en la entrevista con Zeremariam Fre de la Red de Trabajo Pastoralista y Ambiental para el Cuerno de Africa (PENHA, para una presentación de PENHA ver Anuario IWGIA 1990). En forma contraria a la creencia general, la realización de la autodeterminación y por lo tanto una fragmentación de la conformación política actual, pueden bien constituir la base del tan necesitado contacto y cooperación en el Cuerno de Africa. La guerra, la sequía y la degradación ambiental son desgracias compartidas y parte de los complicados conflictos del Cuerno de Africa. La región también comparte recursos cruciales como agua y pasturas. La cooperación a nivel regional es un requisito previo para una paz duradera en el Cuerno de Africa.

Fuentes: EIU Country Report No. 2 1991 Etiopía y Somalia, Indian Ocean Newsletter, 27 de julio de 1991; Information, 1 de agosto de 1991; Vårt Land, 30 de setiembre de 1991.

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Somalilandia:
El »Bar Hargeisa« abre al público

Somalia, Africa Oriental

Por: Kitty Warnock

Hargeisa, Somalia del norte: El »Bar Hargeisa«, que se encuentra cerca del centro de la autodeclarada república de Somalilandia, está rodeado por los escombros de edificios bombardeados, montones de basura y esqueletos de carros desmontados. Pero las sillas estropeadas en los patios, están ocupadas desde la mañana hasta la noche por clientes que charlan, comen y beben té con leche y azúcar. Después del anochecer, uno de los árboles del patio exhibe un cable con cuatro luces de colores.

El bar podría representar un símbolo de la disposición de ánimo en Hargeisa: tranquilo, festejando alegremente, mientras la vida vuelve a ser casi normal después de tres años de guerra civil y de exilio.

En 1988 Hargeisa fue fuertemente bombardeada por las tropas del Presidente Siad Barre; el punto culminante de años de opresión del pueblo norteño *issaq* y de guerra contra el Movimiento Nacional Somalí (MNS).

La mayor parte de la población de Hargeisa fugó a la zona montañosa del interior o a campos de refugiados en Etiopía. Durante tres años, la ciudad fue ocupada por los soldados de Barre y por algunos refugiados etíopes, mientras las zonas rurales quedaron bajo el control del MNS.

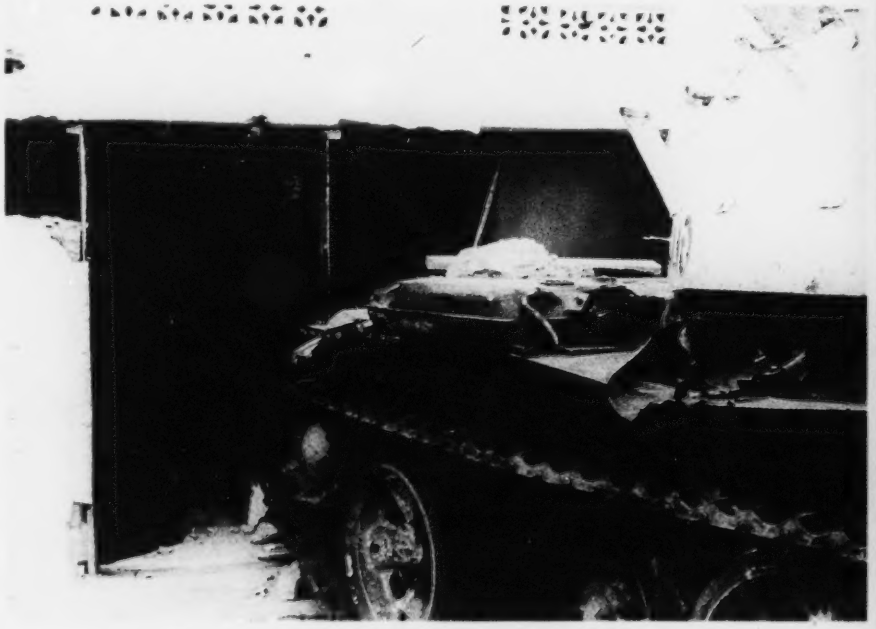
El pasado enero, el gobierno de Barre cayó y el MNS entró en la ciudad y en otros pueblos del norte. Inmediatamente, los exiliados empezaron su vuelta.

En el mes de enero, la población de Hargeisa era de aproximadamente 15.000 habitantes. Se calcula que en agosto había alcanzado 150.000, casi la mitad de la población de antes.

Era la tierra natal pero el retorno fue duro. Las posibilidades de supervivencia fueron amenazadas por la falta de agua, y por miles de minas sin explotar que habían en los escombros. En algunas partes de la ciudad, el 80% de las casas han quedado sin techo.

Pero la atmósfera es alegre. Amira Odleh, por ejemplo, llegó hace pocas semanas después de casi siete meses de viaje. Las luchas y los saqueos le habían obligado a irse, primero de su pueblo de reasentamiento en el sur donde había vivido desde la sequía en 1974, y después de Mogadishu. Ella y su familia tomaron un carro, el cual fue atacado y saqueado varias veces en el viaje hacia el norte. Ahora se han alojado en un rincón seco del teatro municipal, el cual está destrozado: »No tenemos ni ingresos ni pertenencias excepto unas pocas ollas para cocinar, pero nos sentimos muy seguros. Sabíamos como Hargeisa iba a estar, pero estamos contentos de estar aquí.«

Aquellos que llevaban más tiempo en el lugar que Amira, habían empezado a reconstruir lo que podían salvar, comerciando lo que podían conseguir. Se vende un montón de pequeñas piezas de coches en una mesa en el mercado; un mecánico debajo de un árbol, pega laboriosamente el centésimo parche en un viejo neumático de un carro; los contenedores se convierten en tiendas donde se venden galletas, pilas, y utensilios de uso doméstico; los amigos se saludan sentados en sillas sin respaldo, colocadas



Consecuencias del ataque militar somalí sobre Hargeisa.
Foto: Dr. Abdirahman Gaileh Mirreh.

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Las tropas al mando de Siad Barre ocasionaron serios daños a la ciudad de Hargeisa. Foto: Dr. Abdirahman Gaileh Mirreh

delante de las pequeñas casetas de chapa acanalada para tomar el té que bordean las carreteras principales.

Aquí, la vida es sinónimo de libre empresa. Hay comestibles en el mercado, aunque nadie sepa por cierto de dónde vienen estos comestibles o de dónde proviene el dinero para comprarlos. El comercio de *ch'at* (una planta que se mastica como un estimulante suave) de Etiopía, aparentemente nunca se suspendió durante los días más duros de la guerra. Los autobuses andan regularmente aunque falta combustible.

Las Organizaciones No Gubernamentales están movilizando enérgicamente a los habitantes para limpiar las ruinas. Una organización ya está proyectando un papel para sí misma como »banco de ideas« para asesorar políticamente al gobierno.

La libertad de expresión es un derecho que se practica cada día: por individuos que cuelgan carteles en los cuales piden acción de parte del gobierno para limpiar las calles; por el autonominado pregonero público que da vueltas por el pueblo con un megáfono, dando a la gente el beneficio de sus comentarios y llamándolos a la oración; por los poetas y los compositores de canciones, que son el canal tradicional de información y debate de Somalia; por los grandes grupos de gente que se encuentran a las 5:30 cada tarde en los bares y en lugares públicos para escuchar el programa somalí del Servicio Mundial de la BBC, emitido desde Londres; y por los seis periódicos independientes que han aparecido en las tres ciudades más importantes para desafiar al periódico quincenal del MNS.

Papel, equipamiento, sistemas de distribución y lectores con dinero disponible son elementos de limitada disponibilidad, por lo que las publicaciones son pequeñas, pero serias. Informan sobre discusiones del comité central gobernante, hacen entrevistas con grupos políticos en la oposición, utilizan dibujos cómicos así como artículos para educar al público en la reconciliación política, la responsabilidad cívica y la salud pública. Asuntos sobre el medio ambiente son presentados como poesía. Algunas se ocupan del efecto psicológico de la guerra, con constantes columnas sobre los mártires.

La experiencia ha enseñado a la gente a no ser entusiastas con respecto a los gobiernos. Pero el gobierno está en su primera fase, conducido en modo pragmático por el MNS en asociación con los jefes tribales. Aparentemente fue la presión de los viejos jefes, hablando en nombre de su pueblo, que llevó a la declaración de Somalia del norte como un estado independiente, Somalilandia, en junio. La independencia no ha sido reconocida por el gobierno de Mogadishu o por otros gobiernos internacionales, pero de momento la gente está llena de confianza.

Dice Suleiman Nur, el Director -General del Ministerio de Rehabilitación y Reasentamiento: »La independencia es la firme decisión del pueblo. Si Europa o los Estados Unidos de América dudan, pueden pedir un referéndum. Es cierto que nuestro pueblo necesita el reconocimiento internacional, pero nunca cambiará su independencia por ayuda económica. ¿Quién tiene el poder para cambiar la decisión del pueblo? Estoy convencido que finalmente nos van a reconocer – es la tendencia en todo el mundo. Tendría que ser considerado como un derecho humano.«

Si no se resuelve pronto, la cuestión de la independencia va a crear problemas – oposición interna de algunas regiones, y también una falta de ayuda internacional. Pero asuntos de este género, están opacados por la necesidad inmediata de reconstruir el país, de vigorizar la economía y de restablecer los servicios esenciales.

La seguridad está en camino de ser establecida, aunque la desmovilización de millares de combatientes, gran parte de los cuales que no han conocido otra cosa que la guerra durante toda la infancia, se reconoce como un gran problema.

Se han establecido ministerios y se ha empleado personal y están estudiando sus recursos antes de proyectar como empezar el trabajo: el Ministerio de Salud ha formulado listas de todo el personal y de los recursos disponibles, y el Departamento Forestal ha realizado estudios de los emplazamientos de antiguos proyectos forestales y localizado personal.

La falta de transporte y medios de comunicación – no existe un sistema de teléfonos

1. *Declarada República independiente de Somalilandia en mayo 1991*

2. *Desde la caída en el mes de enero del Gobierno de Siad Barre, el Gobierno Sucesor no ha sido establecido.*

3. *Refugiados de Somalia del Norte en Etopía : 400.000.*

Gran parte de Hargeisa fue destruida por las fuerzas somalíes.
Foto: Dr. Abdirahman Gaileh Mirreh

o medios de telecomunicación internacional – es uno de los problemas, la falta de dinero es otro. No existen fondos para pagar a nadie. El personal de gobierno trabaja en forma voluntaria, entusiasmados por la euforia del momento – por el momento.

El pueblo muestra mucho interés en reconstruir la economía y limpiar las ciudades. Pero es imposible decir cuánto tiempo este espíritu va a durar si el gobierno no obtiene los recursos para hacer una contribución.

Los proyectos a largo plazo son embrionarios. Los somalíes están conscientes de que su medio ambiente natural es frágil: falta agua, la tierra ha sido víctima de la erosión y el agotamiento de los campos, y además se han quedado sin la única fuente local de combustible, las selvas. La economía está basada en el pastoreo y en la exportación de ovejas, lo cual depende mucho de la conservación del medio ambiente.

Es fácil, y mucha gente lo hace, echarle la culpa al régimen de Barre, de los problemas, el cual, sin duda, ha aprovechado y manejado mal los recursos de la zona del norte. Pero los problemas son graves, y requieren soluciones prácticas.

Sin embargo, las ventajas incluyen todos las condicionantes para un desarrollo exitoso: un gobierno en contacto directo con el pueblo (por medio de los jefes de tribu, si estos no han sido ya elegidos), una economía en la cual la iniciativa privada predomina, y libertad de expresión. El espíritu también está allí.

Kitty Warnock es la Directora Adjunta del programa de Sahel para el Instituto Panos de Londres ❑

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El renacimiento de la república de Somalilandia

Por: Yusuf Ali Sheikh Madar

1. La república de Somalilandia empezó a tener existencia como un resultado de la unificación del Protectorado de Somalia Británica y Somalia Italiana, el primero de julio de 1960. Las condiciones siguientes presentadas por los políticos de Somalia Italiana prepararon la presente disolución de la unión:

A. Que la bandera y la constitución de Somalia Italiana del sur sean las de la Unión.
B. Que Mogadishu sea la capital y la sede del gobierno.
C. Que el Presidente sea del sur.
D. Que el Primer Ministro sea del sur.
E. Que el jefe del ejército sea del sur.
F. Que el jefe de la policía sea un meridional.

El enorme desequilibrio del poder político fue ulteriormente agravado por la división de escaños en la Asamblea Nacional (el Parlamento). 90 del total de 123 escaños pertenecían al sur. Se calcula que la población de la República de Somalia alcanzaba aproximadamente los 3 millones, el sur representaba aproximadamente el 60%.

2. Ya en el año 1961, los oficiales del ejército del norte organizaron un golpe malogrado contra la dominación del sur. Naturalmente, fue aplastado enseguida, a causa de la fe popular en la unidad nacional. Por supuesto, el norte estaba reducido a una región inferior. Su parte de las riquezas nacionales siempre fue mínima. Una política deliberada de sofocamiento económico y la dominación política del norte fue el orden del día. La hostilidad y el resentimiento del norte nunca fue compensado por los gobiernos sucesivos de la República.

3. La subida al poder de Siyàd Barre, en el mes de octubre de 1969 provocó horrores tremendos. El Movimiento Nacional de Somalia el (MNS) apoyado por el clan *isaq* (el 80% de la población del Norte), se levantó en armas en su contra en 1981. La organización liberó el Norte en 1991 y declaró el 18 de mayo de 1991 el estado separado, independiente y soberano de la República de Somalilandia.

La Declaración de la Independencia fue proclamada al cabo de muchas consultas con los jefes, los políticos y los intelectuales de todos los grupos, incluso tribus que no formaban parte del clan *isaq*. En efecto, la población presionó al MNS a declarar la independencia.

La estructura estatal

1. En forma resumida, los órganos estatales de la República de Somalilandia están basados a grandes rasgos en los del Movimiento Nacional de Somalia. Estos órganos son:
a. El Comité Ejecutivo del MNS dirigido por el Presidente, o el Vicepresidente en ausencia del primero, – ahora es el Gobierno, dirigido por el Presidente o el Vicepresidente.
b. El Comité Central – se transformó en la Asamblea Nacional o Parlamento.
c. La Judicatura.

2. La constitución del MNS da a la organización un mandato para formar un gobierno y celebrar elecciones libres dentro de un período de dos años de la liberación del país. Se proyecta poner en práctica una democracia multipartidaria, una economía de mercado y una administración altamente descentralizada. Una constitución nacional adoptada por un referéndum a nivel nacional será redactada por una Asamblea Constituyente (Asamblea Nacional).

Las comunidades no *isaq (gadabursi, dulbahante y warsangeli)* tendrán la posibilidad de participar en la Asamblea Constituyente de un modo justo y efectivo como un testimonio adicional de la reconciliación nacional. Representantes del Comité Central y miembros de esos grupos junto con el Gobierno de Somalilandia han desempeñado un papel importante haciendo efectiva la

Pastores de Somalilandia. Foto: Espen Wæhle

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estrecha colaboración de todas las comunidades en la búsqueda y el mantenimiento de paz permanente y estabilidad.

La Conferencia de Djibouti

1. El tema de la Conferencia de Djibouti fue la reconciliación nacional. Seis movimientos de liberación del Sur fueron invitados por el país anfitrión - Djibouti. La Conferencia fue dirigida y financiada por el Gobierno de Italia. Italia y Djibouti no son partes neutrales en este caso. Los dos gobiernos quieren una Somalia Unida, dominada por el Sur. La Conferencia no fue una iniciativa de Somalia, sino una malograda fórmula italiana. Italia estuvo empeñada en realizar una suave transferencia de poder a sus favoritos - los que restaban del grupo Manifiesto.

2. La invitación de viejos políticos – el ex presidente Aden Abdulla Osman y otros – ha mostrado la desconsideración italiana a la realidad de fuerzas políticas en operación actualmente. Los *somalíes*, juntados por Italia para decidir el destino de la nación Somalí, fueron incapaces de llamar a un alto el fuego, y mucho menos de crear un gobierno viable. Los resultados de la conferencia estaban condenados al fracaso ya desde el principio.

3. El Movimiento Nacional Somalí se negó a participar en ese conferencia por muchas razones, entre las cuales están:

a. Hemos establecido nuestro estado separado y no nos hemos preocupado por la reconciliación de los frentes de liberación de Somalia del sur. Teníamos y aún tenemos buenas relaciones con cada frente y no teníamos necesidad de ser reconciliados con ninguno.
b. Además nos oponemos a la mediación de Italia y Djibouti entre los *somalíes* del norte y del sur. Italia y Djibouti no son neutrales entre nosotros y el sur. Además preferimos resolver nuestros problemas nosotros mismos y sin mediación.
c. Nuestra declaración de un estado separado, independiente y soberano es irrevocable y no puede negociarse. Por eso nuestra participación en la Conferencia era fuera de cuestión y sin sentido.

Reconciliación nacional, Reconocimiento e Integración Regional.

1. El MNS tiene el mandato de su constitución para celebrar elecciones a escala nacional dentro de dos años, a partir de la liberación del territorio. Esta elección se va a celebrar aproximadamente a mediados de 1993. Esto es un firme compromiso que el gobierno de la República de Somalilandia debe realizar y lo hará seguramente. Se proyecta la puesta en práctica de una democracia multipartidiaria, una economía de mercado y una estructura administrativa altamente descentralizada.

El respeto por los derechos humanos también será observado rigurosamente, para terminar definitivamente con las vergonzosas prácticas de Siyad Barre.

2. Paz, equilibrio y reconciliación nacional son asuntos urgentes sobre los cuales se ocupó el gobierno de la república de Somalilandia. Las tribus no *isaq* fueron invitadas a participar en el gobierno nacional. Actualmente tienen seis de las diecisiete carteras del gobierno.

También hay que »instrumentar« y conceder una representación justa en la Asamblea Constituyente a estas tribus. Esto es para hacer posible su participación en las decisiones fundamentales que dan forma a las instituciones que queremos crear. Se le confía al gobierno el mecanismo para conseguir esta representación eficazmente.

Reconocimiento de facto

1. La República de Somalilandia es el gobierno real e indisputado del norte. Por primera vez, hay paz después de largos años de represión. Seguramente se logrará un reconocimiento *de jure* en el momento apropiado. El tiempo es un factor importante. Nuestro estado es relativamente joven, ha renacido hace cuatro meses. El cambio dramático del mapa político de Europa establece precedentes que apoyan nuestro asunto. Una nueva tendencia en Africa consiste en deshacerse de los dictadores. Estos nuevos vientos de cambio a través de todo el continente africano necesitan un encare nuevo para poder ser aplicados con respeto a la unidad nacional y el equilibrio regional.

2. La República de Somalia, bajo Siyad Barre o sus antecesores, aunque homogénea en muchos aspectos, estaba condenada a la ruptura. Le faltaba ingredientes sutiles de cohesión. Durante los últimos diez años, hubo una guerra civil en la cual el pueblo *isaq* luchó contra la opresión y el exterminio total. En realidad, la República de Somalia no ha existido en la década pasada. El ejército que en mayoría consistía en fuerzas del sur, fue sin duda, un ejército de ocupación en el norte. La unidad nacional fue un nombre inapropiado y un eslogan sin sentido. La integridad territorial también perdió la santidad con la cual fue identificada. El dominio del terror, desencadenado por Siyad Barre aceleró la disolución de la Unión.

3. El nuevo trazado del mapa político del Cuerno de Africa, como el de Europa, es un *fait accompli*. El reconocimiento de los nuevos estados que aparecen, está en el orden del día. La independencia de la República de Somalilandia no es una secesión. Es un restablecimiento de un pasado *status quo*. La opción del pueblo, como la del estado o el gobierno, tiene que ser respetada. El pueblo de la República de Somalilandia está determinado a defender y a proteger su independencia y carácter de nación separada que ha obtenido con duras luchas y pagando un precio alto, pase lo que pase.

Integración regional económica

La República de Somalilandia y Etiopía tienen muy buenas relaciones. Este logro maravilloso sido posible gracias a la mutua voluntad y el mantenimiento de un enfoque de política de paz permanente. Esta política requiere que las fronteras políticas no sean un obstáculo para la integración regional y económica. Teniendo esto en cuenta, hay que animar el libre movimiento de gente, mercancías y servicios a través de las fronteras. La posibilidad de iniciativas para hacer proyectos comunes está a la vista y es obviamente realizable.

Ayuda internacional.

1. La República de Somalilandia tiene una necesidad acuciante de ayuda internacional. Infraestructuras, sistemas de suministro de agua, hospitales, escuelas, mezquitas, redes de comunicación, y ciudades y pueblos enteros están completamente destruidos. Se minaron campos indiscriminadamente por todo el país. La eliminación de minas, presenta un problema que el gobierno no es capaz de resolver. El gobierno y el público están determinados a hacer su máximo esfuerzo para solucionar sus problemas.

A las ONG, las organizaciones internacionales, etc. se les brinda la máxima cooperación y protección de sus vidas y propiedades.

2. La población de refugiados en Etiopía oriental no tienen hogares a dónde retornar. El establecimiento de comunidades de campos de refugiados, será probablemente el orden del día, como en el caso de Burao y Berbera. Esto podría crear una actitud de dependencia de la ayuda que estamos determinados a evitar. Afortunadamente, nuestro pueblo tiene confianza en sí mismo, es una sociedad con mucha iniciativa. El mandato limitado, recursos y experiencia de las

ONG son insuficientes para hacer frente a las necesidades tremendas y urgentes de Somaliland.

3. Una solución política entre Hargeisa y Mogadishu parece ser la llave para la concesión de ayuda para el desarrollo. Recientemente, el gobierno de Somalilandia, envió una delegación parlamentaria, dirigida por el Ministro del Interior, para discutir con líderes de los diversos grupos del sur. Es difícil lograr progresos razonables y tener un acuerdo con las facciones en lucha las unas con las otras. Una solución política no está a la vista hasta que las facciones del sur no solucionen su problema interno.

¿Cuánto tiempo tiene que esperar el norte?

1. La destrucción que el ejército de ocupación del sur ha causado, no tiene precedentes. Ciudades y pueblos enteros han quedado totalmente destruidos. La localización indiscriminada de campos minados obstaculiza aún más la posibilidad de reconstrucción. Los antiguos líderes del norte, los políticos del sur, viejos o nuevos, no están propensos a aceptar fácilmente la situación de hecho que la realidad ha impuesto.

2. Las negociaciones prolongadas son perjudiciales para los esfuerzos urgentes de reconstrucción, que el norte necesita. El papel de Italia, como el gobierno de contacto de la Comunidad Económica Europea es otra desventaja que el norte debería combatir. Ya que está abierta y agresivamente en contra de la recién emergida República, Italia no debería ser, exclusivamente, la nación asignada a desempeñar el papel de »experta« en asuntos sobre Somalia.

3. Se solicita urgentemente a las organizaciones de ayuda, ONG y organizaciones internacionales que:

Consideren el caso de la República de Somalilandia en relación con sus circunstancias. Tendría que disociarse totalmente de su unión anterior con Somalia. De momento no existe una Somalia del sur con quien negociar. Por eso, nuestro destino no debería estar relacionado con ellos. Nuestra parte de la ayuda para el desarrollo debería ser asignada a nosotros mismos, en ausencia de una parte del sur con quien tratar.

La Haya, 10 de setiembre de 1991.

Ysuf Ali Sheik Madar es Ministro de Relaciones Exferiores de la Republica de Somalilandia ❑

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La cultura y las perspectivas de vida de los grupos indígenas varían desde aquellos que enfrentan el genocidio hasta aquellos que viven en prósperas naciones industrializadas

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Reflexiones sobre 30 años de lucha por la independencia de Eritrea

Eritrea, Africa Nororiental

Entrevista realizada por Espen Wæhle al Dr. Zeremarian Fre

¿Qué es lo que se necesita para resistir al ejército más poderoso de Africa, un ejército ayudado y suministrado por el ejército soviético? El investigador eritreano, Dr. Zeremarian Fre de PENHA[1] (La Red de Trabajo Pastoral y del Medio Ambiente para el Cuerno de Africa) nos cuenta aquí, cómo los eritreanos han luchado una guerra de 30 años por la independencia de Etiopía. También relata las diversas vías y estrategias que los eritreanos desarrollaron para poder afrontar los enormes desafíos que tienen que enfrentar. Al haber terminado la lucha con la victoria, en mayo, el Dr. Fre subraya la necesidad de paz y colaboración regional en el Cuerno de Africa.

He conocido a mucha gente que piensa que »eritreano« es un concepto étnico. En Africa hay muchas discusiones actuales sobre el desarrollo político en los cuales, conceptos como »etnicidad« y »tribalismo« son muy comunes, a menudo vinculados con procesos de »fragmentación« de estados nacionales. Sería muy interesante si Ud. pudiera relacionarlo con los recientes acontecimientos en el Cuerno de Africa, especialmente con el caso de la guerra de liberación en Eritrea.

- Ante todo, yo podría aclarar esta posición que considera a Eritrea como un solo grupo étnico, lo cual claramente no es el caso. Para decirlo concretamente hay nueve grupos étnicos en un sentido clásico, siendo considerados aquellos que tienen su propio lenguaje, identidad étnica y también religiones y culturas. De este modo Eritrea es un compuesto de varios grupos étnicos. Estos nueve grupos étnicos también son distintos en número o a nivel de su propio desarrollo político y social. Tenemos dos grupos importantes, uno que habla *tigrinia* y otro que habla *tigre*. En su mayoría, la población *tigrinia* vive en la meseta de Eritrea, lo que normalmente se llama las tierras altas de Eritrea. Topográficamente la mayor parte de Eritrea es sierra, pero la sierra es más bien una definición cultural de un grupo como los *tigrinia*. En general son agropastores – y conforman más o menos el 45–50% de la población de Eritrea.

Otro grupo importante es el que está compuesto de habitantes que hablan *tigre*. Se extienden por el oeste y el este a lo largo de las montañas. Hablan una lengua llamada *tigre*. Entre ellos, el pastoralismo es una actividad importante que varía desde la especialidad en la cría de camellos hasta una combinación de cría de pequeñas cabras y agricultura.

Los otros grupos son los *afar*, que hablan un idioma *cushitic*. Viven hacia la costa y Assab. Este es un grupo étnico que tiene una cultura de pesca pero predominantemente una economía pastoral. También viven en el desierto de Danakil, el cual es muy tórrido y árido.

También está el grupo minoritario *saho*, quienes también hablan *cushitic*. Otro pueblo al norte de Massawa se llama los *reshaida*, de origen árabe. Son pastores de camellos y participan en el tráfico de contrabando a través del mar con los árabes de Arabia Saudita y Yemen. Estos son pueblos que vienen de esta parte del sur de Arabia y hace aproximadamente cien años que llegaron cruzando el mar.

Hay otro grupo llamado los *belen*, que también son *cushitic*. Viven en el centro de Eritrea y se parecen mucho a los otros pueblos de las sierras en lo que respecta a la economía de subsistencia, y también son agropastorales. También tenemos otro grupo llamado los *kunama* que tienen la piel mucho más oscura. Es un grupo *nilótico*,

muy diferente de nosotros. No tienen el cristianismo, o el islam como religiones principales. Son animistas y un número muy pequeño son cristianos. Y tenemos otro grupo llamado los *hedareb*, que es un grupo *beja* del norte de Eritrea, de las montañas. Otro grupo se llama los *denara*; es un grupo *seminilótico*. Hablan otro idioma. Esto completa todo el ciclo de grupos étnicos en Eritrea.

Tenemos dos religiones principales. Los cristianos (coptos ortodoxos), principalmente en las sierras, en torno de los grupos que hablan tigrinia. Las zonas bajas son musulmanas en su mayoría. Sin embargo, los habitantes de los pueblos constan de una combinación de las dos religiones.

Los eritreanos son tan diferentes como en cualquier otra parte de Africa, así que de alguna manera, no tenemos un sólo idioma, no tenemos solamente una religión ni tampoco una sola cultura. La base de subsistencia varía desde la pesca a lo largo del mar, a la caza y la recolección del pueblo kunama en el oeste. El pastoralismo varía desde una alta especialización en la cría de camellos a la ganadería pastoralista. Los sistemas de agricultura son tipos de agricultura de montaña mixta en el cual se combina la ganadería con los cultivos. Yo vengo de una comunidad agropastoral en el centro de Eritrea. Fui criado con cuatro grupos étnicos, cada uno de ellos diferente. Aparte de los grupos étnicos de Eritrea también existen otros grupos de origen africano que han venido desde Tchad y Nigeria, se llaman *tukruri*, que quiere decir oscuro. Tenemos *sudaneses*, tenemos *etíopes* que han vivido allí durante mucho tiempo – no relacionados con la guerra. Los etíopes que viven allí son simplemente etíopes que se casaron y se mezclaron. El número de etíopes ha aumentado diez veces en los recientes años a causa de la guerra. Tenemos también *árabes* del Yemen.

Con la nación árabe de vecinos, tenemos muchas interacciones económicas y culturales. Durante los últimos treinta años cientos de miles de nuestra gente cruzaron el mar, hacia el Oriente Medio, el Golfo, Arabia Saudita. Y han sido un fuente de ingreso importante para las comunidades en Eritrea. Un gran número de habitantes de Eritrea se trasladaron al Sudán, como refugiados; aproximadamente medio millón. Hay muchos habitantes de Eritrea en la misma Etiopía, un cálculo, que se puede discutir, estima que han pasado los 200.000. Están muy metidos en el comercio y en la economía y en varios sectores de la sociedad. Algunos eritreanos están casados con etíopes, otros son todavía eritreanos en términos de su identidad étnica.

Sí, fundamentalmente somos un microcosmos de pueblos. Así que Eritrea no es una sola tribu.

Los habitantes de Eritrea han desarrollado un sentido de identidad e independencia desde el período de colonialismo italiano, como estado moderno. Yo era uno de los niños que vivieron su infancia bajo el sistema federal en el cual Eritrea tenía su propia identidad política y su propio patrimonio cultural. Muchos de nosotros, de los de mi generación en el Frente [2] y más adelante, hemos adquirido nuestro concepto de estado y nacionalismo de aquel período federal. Eritrea tenía estructuras democráticas y partidos políticos, mientras que Etiopía no tenía nada de ésto; tenían un reino. De este modo durante la anexión, que recuerdo vivamente, en 1961 cuando el parlamento fue disuelto, la policía de Eritrea fue desarmada, todas las instituciones de Eritrea fueron trasladadas a Addis Abeba, las embajadas - lo recuerdo muy bien. En Keren, mi pueblo natal la bandera de Eritrea solía flamear bien alto. Esta era la situación real. Cuando la quitaron, la lucha de Eritrea empezó de verdad. Nos llevó aproximadamente treinta años recuperar esa identidad.

Sí, básicamente, mis amigos y yo obtuvimos nuestra identidad en aquel período. Teníamos un sentido de identidad, a pesar de los grupos étnicos éramos habitantes de Eritrea. Lo sentíamos muy profundamente y así fue durante treinta años.

La falta de amargura con relación a nuestros vecinos particularmente con los etíopes, se debe simplemente a que los habitantes de Eritrea sostenían un asunto político, no un asunto tribal. Es natural que no haya enemistad en un sentido tribal. Los habitantes de Eritrea sólo quieren tener lo que se les quitó contra su voluntad. Esto es muy simple. ¡Los noruegos también reaccionarían de esta manera si los suecos hubieran invadido su país! Es así, es muy simple, no tiene nada de complicado. También ha significado que durante los últimos treinta años los habitantes de Eritrea han recuperado un poco más de esta identidad; se ha consolidado.

Hemos desarrollado nuestra propia estrategia de supervivencia como pueblo. Hemos dependido mucho de nosotros mismos, ¡estamos muy orgullosos de ésto! Hemos confiado en nuestros propios recursos – y naturalmente hemos sido dependientes de recursos del exterior – a causa de nuestra desesperada situación, no porque sea nuestra opción. El tiempo demostrará, dentro de poco, que nosotros mismos somos capaces - siempre lo hicimos- de hacernos cargo. Porque en nuestra cultura es una vergüenza depender de otras personas. Lo peor que se puede ser, en la mayor parte de nuestras sociedades, es un mendigo en la aldea. Hemos sido puestos en esta situación a causa de las condiciones. Somos una población con una mentalidad muy independiente y ésto ha contribuido a nuestra supervivencia, la manera como encaramos las cosas.

El fuerte sentido de identidad tiene sus motivos políticos. El hecho que una guerra de treinta años pueda ser solucionada en tres meses, que pueda ser solucionada tan rápidamente, significa que se ha hecho mucho trabajo preparatorio los últimos treinta años.

¿En qué consiste el »trabajo preliminar«?

- Con esto quiero decir que el conflicto en un sentido militar ha terminado. En realidad, lo que fue el trabajo preliminar lo hemos empezado al principio, la recuperación de nuestra propia identidad, lo cual fue muy importante para nosotros. Esto fue el argumento político y ahora hay que consolidarlo. No es sólo porque aspiramos a tener nuestra propia nación, tan destruida durante los treinta años, también pensamos en nuestros países vecinos, que nuestra paz también debería significar la paz para nuestros vecinos. Porque vivimos en una situación donde hay mucha coexistencia. Creo que tenemos mucha experiencia en el proceso de la lucha que puede servir a nuestros países vecinos a causa de la infraestructura que ha sido desarrollada en las zonas rurales de Eritrea.

Mapa de ERITREA

Nada de ésto está realmente ocurriendo en ningún otro país africano que yo sepa, particularmente en nuestros países vecinos.

¿Está pensando en las bases guerrilleras del norte?

- Sí, y la infraestructura[3]. Es algo único. Y es algo único en el sentido que no fue construida gracias a recursos del exterior. En su mayoría, fue hecha por medio de la capacidad del pueblo y el talento para hacerlo. Estuvimos en una situación muy desesperada y muy difícil y por eso también tuvimos que depender del apoyo exterior, y particularmente de apoyo humanitario, ayuda para el desarrollo, pero eso fue de corta duración. Poder resolver nuestros problemas – eso es muy importante para nosotros como cultura.

Ud. ha hablado una vez de »la historia que nunca fue contada«, en referencia al hecho que, de un total de más o menos cuatro millones de habitantes de Eritrea, quizás un millón de ellos están diseminados por todo el mundo; en Africa, Europa Occidental, Australia y otros lugares.

- Lo que quiero decir con »la historia que nunca fue contada« es que las sociedades en las cuales tenemos nuestro origen, especialmente cuando recibimos educación o cuando trabajamos o somos miembros productivos de la sociedad, esta misma sociedad tiene muchas expectativas con respecto a nosotros. En este sentido, una gran parte de la gente que ha estado en la diáspora ha dado mucho a su pueblo más tarde. Empezando con sus propios pueblos, como he hecho yo; puedo dar un ejemplo. Mi familia vivía en las zonas rurales, mi compromiso fue asegurar que se quedaran en sus pueblos, a pesar de todas las dificultades. Junto con mi hermano mayor, que ha recibido formación profesional y que ha trabajado en Arabia Saudita durante diez años, hemos hecho un presupuesto para la familia. Esto ha significado que contribuimos con muchísimo dinero cada mes, en su caso, mi hermano ha contribuido hasta con 300 U$ cada mes y ha mandado esta cantidad de dinero a nuestros padres en el pueblo. Y todos hicieron similares esfuerzos durante 20 años. Esto ha significado que hemos ayudado a la supervivencia de nuestro pueblo y naturalmente esto fue una historia que no fue contada porque es parte de nuestro deber hacer así. Intentábamos mantener por lo menos un nivel mínimo de ayuda para que las familias pudieran alimentarse, ayudándoles a comprar animales para sus granjas, ayudándoles a mantener sus pequeñas granjas, comprar bombas de agua, o ropa, o comestibles o lo que sea. Lo lograron, en la mayor parte de los casos muchos de nuestros compatriotas se quedaron en sus pueblos. La mayoría de los habitantes de Eritrea todavía están en Eritrea. Calculo que el 65% todavía está en Eritrea, quizás desplazados pero... La contribución es importante, muchos habitantes de Eritrea son muy ricos ahora, así que contribuyen en gran parte a financiar la supervivencia de sus familias, amigos y parientes.

He visto nuestras actividades de procura de financiamiento, nuestra velada cultural en la cual hemos recolectado cientos de miles de dólares. Algunas personas han conseguido juntar un importe de 5.000 U$ en una sola colecta. El Frente ha recibido mucha ayuda material de su propia gente que vive en el extranjero – en el Golfo, en Europa, en América, en todas partes la gente ha contribuido. En realidad, hay proyectos en Eritrea que fueron financiados por habitantes de Eritrea que viven en el extranjero, por ejemplo la fábrica de compresas higiénicas que fue establecida hace 15 años. Las compresas fueron producidas para las mujeres combatientes. Especialmente para este proyecto, se procuró dinero de parte de mujeres eritreanas que vivían en el extranjero y que sentían la obligación de asegurar que las mujeres combatientes pudieran conseguir compresas higiénicas. Este fue solo un ejemplo para mostrar cuánto el pueblo de Eritrea ha podido realizar para ellos mismos. Cada año teníamos temas específicos, sobre educación, sanidad pública etc., – tenemos algo que yo llamo puntos de campaña, cuando se procura una cierta cantidad de dinero para un cierto propósito. Incluso procurábamos dinero para ropa para los combatientes. Esto no consta en los informes oficiales como pasa con las ONG u otro tipo de ayuda.

Si se mira cómo la cuestión de Eritrea ha sido manejada en el contexto de Europa Occidental, se puede ver que hubo un movimiento de solidaridad muy activo. Si se compara con otras regiones del mundo, se ha prestado mucha atención a Eritrea. Los grupos de solidaridad han ayudado a procurar financiamiento y a publicar lo que ha ocurrido en Eritrea.

- Creo que esto es muy cierto. En efecto, no lo he considerado un tema particular, porque éso para nosotros es visto como un apoyo de solidaridad, lo cual es bastante suplementario. Creo que la ayuda internacional que recibimos de nuestros amigos, sea por medio de su influencia o por medio de su suministro de materiales ha sido importante, pero eso hay que considerarlo como una contribución al aporte general que los habitantes de Eritrea han realizado ellos mismos. Un atractivo para los que nos ayudan es quizás, todo lo que nosotros mismos hacemos. Eso ha sido, ciertamente, un incentivo para los que nos apoyan. Y también el hecho que los habitantes de Eritrea argumentaran políticamente y no apelando a sentimientos étnicos o tribales, ha tenido como resultado que hayan conseguido el respeto necesario como un movimiento político.

En Africa, Eritrea tenía muchos problemas al principio, en cuanto a su estatus. Muchos estados africanos veían ésto como un movimiento como »Biafra« o »Katanga« o algo por el estilo; un movimiento en el cual un grupo étnico tiene intenciones de independizarse de una nación. Evidentemente, éste no fue el caso. Y de todas maneras, los recientes acontecimientos muestran muy claramente que en este asunto no habían argumentos étnicos. Ha sido un debate político bien definido. Si tomamos el ejemplo de los prisioneros de guerra, que he visto en 1985 y 1988 cuando fui a Eritrea, la manera de tratar a los prisioneros indicaba lo lejos que habíamos llegado en el proceso de autoidentificación y de respeto a la identidad de nuestros vecinos. Es una cultura muy fuerte, en efecto tiene mucho que ver con nuestra cultura: la manera de tratar a tu vecino cuando se encuentra en una situación difícil.

Les hemos alimentado, entrenado, como consecuencia de nuestra actitud. En general eran campesinos de Oromia, de Ogaden, de Gondar – de las varias partes de Etiopía. En un sentido, nuestra cultura era lo suficientemente desarrollada y sofisticada para poder comprender el motivo que esta gente tenía para venir aquí, por qué estaba forzada a venir. Había una comprensión política de por qué estaban allí en primer lugar, porque eran etíopes inocentes llamados al servicio militar, que estaban forzados - y eso fue claramente comprendido. No constituían un ejército regular y evidentemente se los trata como al propio pueblo, porque era gente en apuro. Pienso que en cierto modo eran miembros productivos de la sociedad. Nos ayudaron a construir caminos, todos esos hermosos caminos que se ven en Sahel[4]. Los prisioneros etíopes han contribuido a esto porque eran fuerza de trabajo. No estaban encerrados todo el día tenían actividades como deporte, educación, actividades cultu-

Mujeres de la provincia de Sahel, Eritrea. Foto: Espen Wæhle

rales. Hasta un cierto punto cultivaron sus propios alimentos. Eran tratados exactamente como los demás en aquellas montañas. Esto naturalmente da una sensación de orgullo. Para mi, el proceso de reconciliación y paz se ha iniciado hace muchos años, en esa fase y no hace sólo unas pocas semanas. Y esto ha sido un largo proceso para comprender este conflicto en un contexto justo. El gobierno anterior de Etiopía, en Addis, quería presentar un imagen diferente. La relación entre los frentes estaba tan bien establecida[5], que en los hechos coordinaron actividades, incluso actividades militares, para la conquista de las ciudades más importantes de Etiopía y Eritrea.

¿Se dice que el proceso de toma del poder ha sido muy ordenado?

- Particularmente la toma de posesión de Eritrea fue mucho más ordenada que la toma de poder en Addis. Pienso que en Addis Abeba una parte del problema era la etnicidad dentro de Etiopía, las contradicciones entre los diversos grupos étnicos, los diversos elementos en él y el hecho que el FDPRE[6] estaba un poco más dominado por el norte. Al principio habían algunos problemas con respecto al control de la situación, como se sabe, hubieron escaramuzas. Pero el caso de Asmara fue diferente. Asmara fue el regreso al hogar para el FPLE. Eran los propios hijos de uno que regresaban a Asmara. Naturalmente había una atmósfera jubilosa y las celebraciones fueron muy efusivas. La atmósfera era de festejo total y creo que también de tolerancia hacia los que habían sido nuestros enemigos. Creo que Etiopía tiene el ejército más grande de Africa, el ejército más organizado. En Eritrea teníamos 250.000 etíopes armados o desarmados – la segunda División, la más fuerte en Etiopía, tenía las mejores armas. En realidad no se rindieron de una forma militar, se escapaban por todos lados, la rendición fue poco organizada. Fue muy triste porque si se hubiesen rendido de manera apropiada, a la manera habitual de los soldados, no hubiese habido tantos muertos. Porque muchos etíopes intentaron escapar hacia el Sudán o intentaron ir a Etiopía lo más rápido posible.

¿Ha recibido informaciones sobre el número de muertos y heridos durante los días de la toma del poder?

- En Asmara existe un chiste ahora que dice que los únicos tiros que fueron disparados, fueron disparados por los niños eritreanos que recogían las armas de fuego que los soldados etíopes habían dejado cuando se escaparon. No hubo ninguna pérdida de vidas humanas en Asmara. La toma del poder fue muy ordenada. Otro lado muy positivo que habría que acentuar, y que podrá contribuir a nuestra coexistencia, es el hecho que no ha habido ningún derrame de sangre en Asmara y ésto es muy importante. Aunque los soldados estaban muy poco organizados, se dispersaron de manera indisciplinada, no hubieron luchas duras en sí mismas entre los pueblos de Eritrea, el ejército de Eritrea y el ejército de Etiopía. Puedo dar ejemplos de todo lo que quedó intacto, las oficinas, las oficinas del gobierno en Asmara, los hospitales – incluso los teléfonos y otras facilidades quedaron intactos. Estas son realmente noticias muy buenas, porque es muy positivo para Eritrea haber obtenido una infraestructura, también pue-

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de acarrear su propia infraestructura del »bush«, porque la tiene. En cierto modo, los habitantes de Eritrea son muy afortunados porque la infraestructura ha quedado intacta. Evidentemente, ahora existen grandes desafíos para el FPLE como nuevo gobierno, no es nada fácil. Voy a dar un ejemplo de esos desafíos. En primer lugar tienen que curar esas heridas de guerra lo más rápido posible, la psicología de guerra dentro de Eritrea y también con sus países vecinos. En realidad, es un proceso que seguramente será bastante largo. Aunque estamos dispuestos a aceptar esta realidad, creo que necesitaremos más tiempo para deshacernos de la amargura en un proceso lento. En segundo lugar, los desafíos ambientales. Eritrea ha estado en guerra durante un período de treinta años. La economía está devastada, la gente no ha cultivado la tierra durante mucho tiempo. No ha llovido durante años consecutivos. Eritrea está haciendo todo lo posible para aumentar la producción alimenticia, lo cual es muy importante porque nos sentimos tan humillados a causa de la ayuda que recibimos del extranjero.

¿Podría ésto significar una expansión de la producción alimenticia a costa de las consideraciones ambientales? ¿Existe el riesgo de que se establezcan procesos de desarrollo no sostenibles?

- No, en realidad no se trata de eso. La simple razón es que Eritrea es un país muy montañoso. Tenemos poca tierra para cultivar. Ahora la cuestión es a qué nivel alcanzará la productividad en nuestros valles que han sido tan devastados a causa de la guerra. Y si tenemos paz, podremos hacer que esas tierras lleguen a ser más productivas. Tal como siempre lo hicimos, vamos a introducir tecnología limitada, explotación acuática – tenemos la capacidad. Y aumentaremos la producción alimenticia porque ésta es un área que en la mayoría de los casos ya está degradada. Ha ido más allá de los niveles de la degradación clásica.

¿Qué va a pasar con la conservación del suelo, la explotación agroforestal?

- Sí, ya tenemos mucha tradición acerca de las terrazas en las zonas montañosas. En mi granja teníamos la costumbre de construir terrazas con piedras para impedir la erosión del suelo. Así que existe una gran pericia tradicional con respecto a la agricultura de las zonas montañosas, la cual puesta en práctica en períodos de paz, fácilmente podría restablecer la conservación del agua y el suelo. Y veo que estos sistemas se están restableciendo rápidamente.

Por culpa de esta guerra el pastoralismo, que es una economía importante en Eritrea, ha sido desviado al Sudán y Etiopía. Esto implica que nuestros mercados más importantes, como los de Asmara, van a ser revividos otra vez.

¿Existen cifras estimativas de la parte de la población que es principalmente pastoral, de la que es principalmente agropastoral y de los que se dedican a la agricultura?

- Creo que podría llevar a conclusiones erróneas si yo le diera cifras de cualquier tipo, porque soy uno de los investigadores que trabajan con el asunto. Fundamentalmente existe poca información fidedigna. Lo importante es que Eritrea tradicionalmente ha sido muy autosuficiente en la producción ganadera. Las estadísticas de la FAO muestran que en los años 50 y 60 exportamos ganado a nuestros países vecinos: pieles y cueros y animales vivos. Eritrea era famosa por sus productos de ganadería. En lo que respecta a quién es pastoral y quién es agropastoral no estoy muy seguro. Tenemos una tradición muy desarrollada de utilizar bueyes para arar, animales de tiro. Nuestras vidas dependen de la ganadería de un modo o de otro, sea por medio de nomadismo puro o mediante una agricultura mixta. Los grupos pastorales forman una economía importante en Eritrea, son muy productivos.

Lo que acaba de decir no es una manera habitual de reconocer y aceptar el papel importante del sector pastoral en la economía nacional de las zonas áridas en Africa.

- Pienso que la realidad de Eritrea también sea así, aunque cuando se trata de la construcción de la nación y la lucha, todos los habitantes de Eritrea han participado y han contribuido. En Eritrea también existe la disparidad, esto significa que los grupos pastorales merecen ser tratados mejor que en el pasado. Evidentemente han contribuido a la lucha. Pero ha llegado la hora de pensar en políticas que favorezcan a los pastoralistas en las zonas predominantemente pastoralistas. De modo de no imponerles a los pastoralistas un modo de producción agropastoralista o sedentario.

Pero esto ya ha sucedido en el pasado. Fue una política de los estados nacionales en Africa. En un cierto período también fue la política del FPLE.

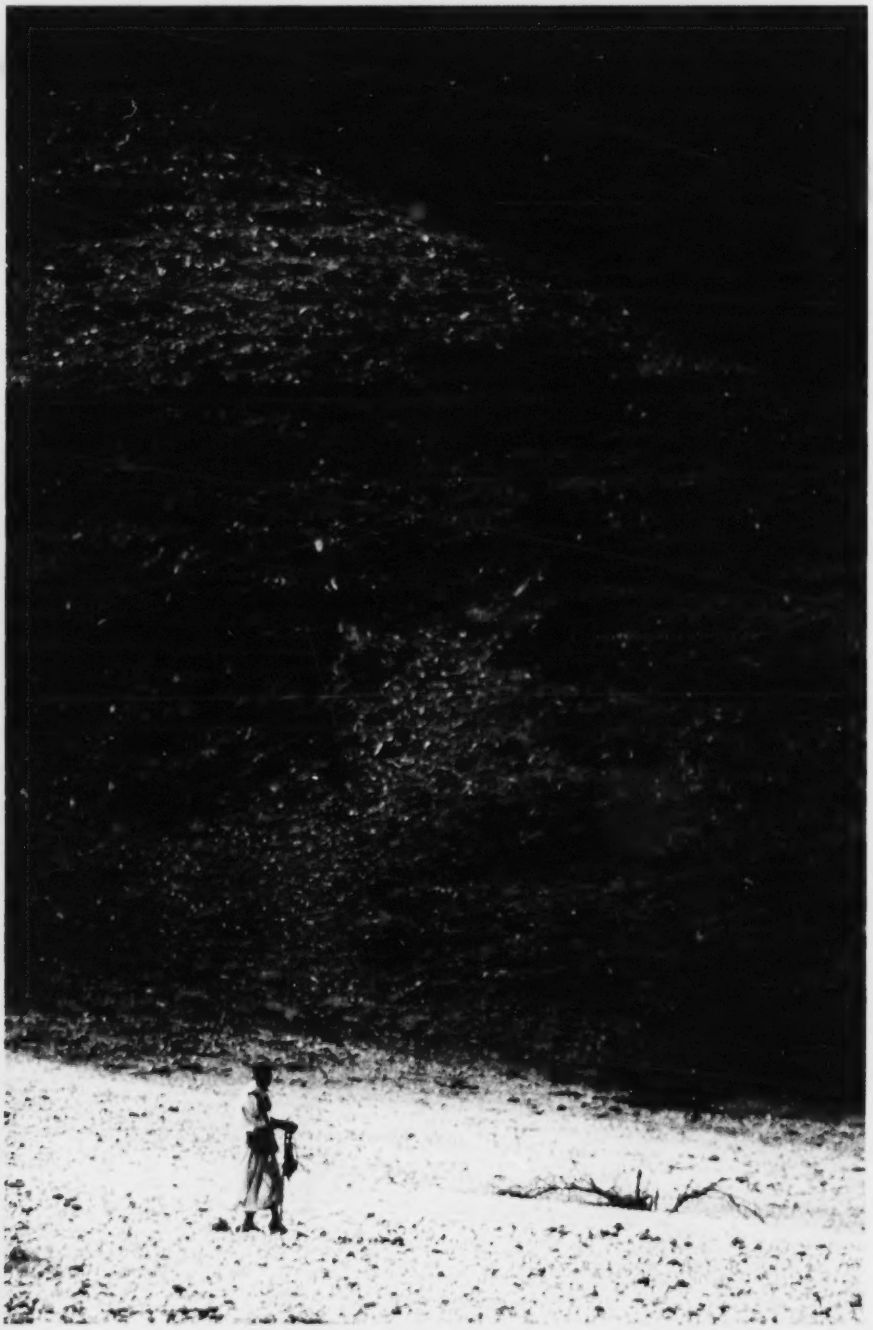
- Durante el período en que el FPLE estaba creciendo, tenía un concepto - no lo llamaría una política, más bien tenía la actitud de que sería conveniente tener a nuestro pueblo establecido en un sitio fijo y proveerles de todas las facilidades modernas: sanidad pública, educación, etc. Esta era nuestra aspiración. Incluso la gente que venía de las zonas pastoralistas tenían esas ambiciones para su pueblo en un sentido positivo. Pero la realidad de Eritrea, y lo vamos comprendiendo ahora, es que los movimientos pastoralistas son muy estratégicos, y sanos desde un punto de vista ambiental. Estos pueblos han adaptado los modos de utilizar los varios recursos de maneras que les son convenientes. Así que nos estamos preguntando ahora: ¿Cómo podremos desarrollar el sector pastoral de una manera pastoralista? El compromiso de PENHA es que siendo un grupo regional, y estoy muy orgulloso de ser miembro de este grupo, podemos considerar estos asuntos pastoralistas desde un aspecto más bien global y regional. Podemos concluir que la experiencia que hemos tenido en Eritrea, si la podemos considerar positiva, podría contribuir al desarrollo global en el Cuerno.

Particularmente el sistema de servicios de salud que el FPLE ha desarrollado entre los pastoralistas es muy valioso para nuestros países vecinos. Y quisiéramos poder repetir esas buenas experiencias en otros ámbitos: en la educación, en los varios tipos de administración y en la construcción de edificios – y también en cómo organizar la educación y la formación profesional en las zonas pastorales.

Tenemos distintos sistemas de producción pastoral en Eritrea, y creo que PENHA contribuirá con el estudio de estos sistemas y con conocimiento. Creo que en el FPLE hay conocimiento en lo que respecta a esas comunidades, pero no ha sido realmente formulado en una política. Hay interés, claro que lo hay, pero estamos pensando en un debate general y un tipo de reacción eficaz para las zonas pastorales. Fundamentalmente la diferencia en Eritrea está en el hecho que esos grupos pastorales han sido decisivos en la lucha por la liberación – ya desde los años 60. Son parte de ella. Fueron los mejores combatientes. De este modo han participado en este asunto aunque no quisiéramos reconocerlo, por derecho, porque lucharon en esta guerra y por el hecho que fueron un partido político. En efecto, tienen mucha influencia. Con eso quiero decir, si seremos capaces de convertir su compromiso político en acción, en política,

para poder prestar más atención a las necesidades de estos pueblos y hacer que el pastoralismo sea más productivo. En vez de imponer otros modos de producción, que podrían ser demasiado extraños para estos pueblos.

En realidad, una gran parte de los pastoralistas se ha adaptado. Muchos de ellos tienen una educación de alto nivel, han mandado a sus hijos a Khartoum, Sudán, a la universidad. Una gran parte de los movimientos por la liberación del pasado, han hecho mucho en el ámbito de la educación. En lo que respecta al alfabetismo, los pastoralistas en Eritrea están considerablemente adelantados. Existen muchos pastoralistas que han recibido educación profesional y ellos son capaces hablar por ellos mismos. No serán personas con un pasado sedentario que les vengan a decir cómo resolver sus asuntos. Ellos mismos estarán en condiciones de exigirlo porque han sido parte del proceso de una larga lucha por Eritrea.



Vista de la provincia de Sahel, Eritrea. Foto: Espen Wæhle

Cuando tuve el placer de discutir estos asuntos, en mayo de 1991, con el señor Isaías Afwerki, el secretario general del FPLE, indicó que el pasado acuerdo pastoralista era algo que los pastoralistas no querían, según las experiencias del FPLE. Su argumento fue que si un pueblo desea un cierto tipo de forma de vida, visto como »paquete total«, sería una violación de sus derechos básicos y su dignidad obligarlos a hacer algo en contra de su voluntad. Por lo que se refiere a eso, he notado un cambio de política de parte del FPLE.

- Nuestro papel como eritreanos educados, con unas perspectivas un poco más amplias sobre las cosas, siempre ha sido el de contribuir a este debate actual. Y pienso que los comentarios de Afwerki fueron una contribución importante en cuanto a este debate. La sedentarización forzada de grupos pastorales está en contra de los derechos humanos, evidentemente. Ahora estamos en el proceso de encontrar una forma de llevar adelante nuestros planteos, esto es realmente el punto principal del debate.

También mencioné otro asunto relacionado con el señor Afwerki. El mundo está observando a Eritrea con mucha atención. El resto del mundo tiene en cuenta lo que pasó con otros movimientos guerrilleros cuando tomaron el poder después de guerras de liberación y se convirtieron en una élite represiva y explotadora. No solo Afwerki, sino también otras personas acentuaron que los habitantes de Eritrea han estudiado y aprendido de los errores de otros movimientos de liberación en Africa y en otros lugares.

- Tengo muchas esperanzas que en Eritrea, y esta es mi opinión personal, a causa de la escala de sufrimientos y la experiencia que hemos tenido, la capacidad que hemos acumulado durante muchos años y la actitud que hemos desarrollado y también la estrategia de supervivencia que hemos construido para poder enfrentar las situaciones que surgían, podremos mostrar otro tipo de desarrollo.

¿Qué ha significado la guerra y el proceso de liberación para la cuestión de las relaciones entre el hombre y la mujer?

- El papel de las mujeres en nuestra socie-

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dad, ha cambiado completamente y es una situación sin retorno. Hemos visto que las mujeres pueden realizar cosas ellas mismas. Y esto ha traído consigo un efecto muy positivo en nuestra sociedad. Las alianzas matrimoniales, toda la cuestión de dotes, el concepto de comprar mujeres por medio de artículos de consumo – esto ha cambiado de manera radical y completa.

¿No es sólo retórica entonces?

- Hemos tenido muchos cambios en nuestra sociedad, incluyendo la cuestión de las mujeres, la manera de mirarnos a nosotros mismos, la manera que hemos aplicado para asegurar nuestra supervivencia – las historias que nunca fueron contadas. Y creo que muchos de estos cambios van a permanecer en Eritrea. No pienso que estemos en una situación tal que al terminar la guerra todo lo que hemos establecido durante muchos años se venga abajo. Ha sido una experiencia tal que es imposible de soslayar.

¿Seguirán teniendo, Uds. los eritreanos, el mismo nivel de sacrificio?

- Mi opinión personal es que lo dudo mucho. Los combatientes han vuelto a su casa. Tendrán sus propias responsabilidades, sus propias ambiciones. ¡El compromiso de los combatientes y el sacrificio en el campo[7] fue algo muy extremo, evidentemente! Siento mucha simpatía por mis compatriotas que han sacrificado la mitad de su vida haciendo ésto, luchando, muriendo por esta causa. Sería poco realista esperar que continuasen al mismo nivel de compromiso. Esto sería pedir demasiado, pero pienso que es probable que la actitud general pueda continuar, que tendremos que establecer la nación y desempeñar un papel dentro de la región. Los combatientes son seres humanos, tienen sus propias necesidades ahora. Cuando uno va a Asmara, nota que es un sitio muy frío, es una ciudad muy grande. Para vivir allí, trabajando de médico, se necesita una casa, la vida es más cara, mientras que la vida en el campo es muy sencilla, muy simple y comunitaria.

Ahora, mucha gente vuelve con dinero, ideas y pericias. Es la nueva tendencia. Nos preocupa el hecho que nuestro pueblo ha estado fuera durante tanto tiempo. No es realista creer que todos vuelvan, tampoco es necesario. Pero pienso que la gente que tenga capital, con formación profesional y con los recursos necesarios que puedan contribuir a la inmediata viabilidad de esta nación, van a desempeñar un papel muy importante. Nuestros muchachos están por todos lados, en todos los rincones del mundo, y hay muchas maneras de ayudar a Eritrea.

¡Y pienso que sus chicas también!

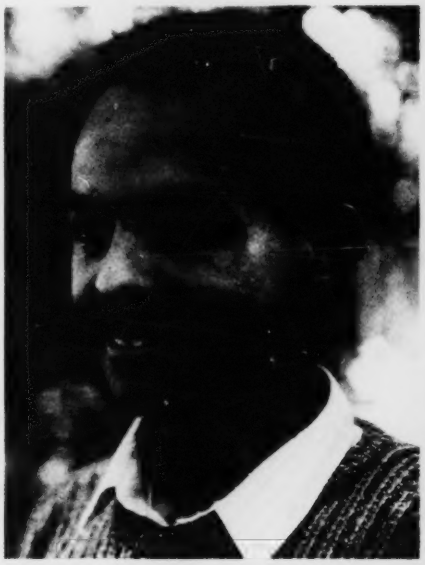
- Sí, evidentemente, soy un chauvinista. Las mujeres han conseguido una vida mucho mejor en los últimos treinta años a causa de la guerra. Han cambiado nuestra mentalidad en muchos sentidos. Tradicionalmente somos una sociedad dominada por hombres. Por ejemplo, los varones siempre han tenido mejores posibilidades de estudiar. Veremos a una Eritrea nueva y diferente en cuanto a las relaciones entre el hombre y la mujer. Con eso no quiero decir el modelo europeo (movimiento feminista), en un sentido romántico. Los cambios que han tenido lugar, son fundamentales según los informes de los investigadores.

¿Las mujeres también han sido combatientes en el Frente de Liberación?

- Sí, constituyen aproximadamente el 35% de las fuerzas del FPLE, en todos los sectores desde la administración civil hasta en el frente. Evidentemente, mi generación ha desarrollado una actitud completamente diferente en cuanto a las mujeres, la actitud hacia nuestros propios hijos ha cambiado. Evidentemente, esto ha sido un cambio muy radical. A algunos de nuestros países vecinos, como por ejemplo los países árabes que son muy conservadores, no les gusta, y esto puede implicar varios problemas.

El FPLE está dirigiendo un gobierno provisional. ¿Qué trabajo les espera respecto al desarrollo político?

- Bueno, el nuevo gobierno ha establecido sus prioridades muy claramente, en primer lugar la rehabilitación del país, moralmente, psicológicamente - necesitamos sentar cabeza un poco, para reflexionar sobre la situación. Porque hemos pasado por un trauma durante mucho tiempo. Esto es algo muy difícil de explicar a personas de fuera que no hayan sufrido el proceso. Esto es lo que el FPLE está haciendo ahora. En términos de prioridades, la rehabilitación del pueblo, y con eso quiero decir las personas en la diáspora, en el Sudán – medio millón de ellos. Esta es su prioridad principal, hacer que esas personas vuelvan a vivir en Eritrea. Para asegurar que esas personas desplazadas, que han contribuido tanto, vuelvan a vivir en sus pueblos. Y en segundo lugar, administrar un gobierno eficaz, con eso quiero decir dirigir la infraestructura del gobierno, las escuelas, los hospitales – dirigir el sistema. Eso es muy importante, formar una administración fuerte en Eritrea para asegurar que el referéndum sea un éxito. Lo que creo es, que para que este referéndum sea exitoso, Eritrea necesita mostrar al mundo que somos capaces de solucionar nuestros problemas. Eso es muy importante para nosotros como pueblo. Así que en un sentido, la estabilización y la seguridad son algo muy importante. El FPLE va a mantener una seguridad muy fuerte hasta el referéndum.



El Dr. Zeremarian Fre, de PENHA.
Foto: Espen Wæhle

¿Cuando va a tener lugar el referéndum?

- Creo que dentro de dos años. El ciudadano corriente de Eritrea no se interesa mucho por el referéndum ahora. Es la actitud general. La guerra ha terminado, al menos la parte cruenta, la bandera de Eritrea de color azul que ha devuelto una conciencia de identidad al pueblo, ha vuelto a flamear. Ahora tenemos el trabajo difícil de construir realmente una nación.

Todas las personas que conocí en Eritrea y en el Sudán, estaban seguros que el referéndum sólo va a ser un ejercicio democrático, estaban muy seguros de que iban a obtener una mayoría aplastante por la independencia de Eritrea.

- Creo que eso es verdad. No lo dudo en absoluto. También estoy seguro que no ten-

dremos ningún problema. Es un resultado inevitable. Pero hay otro hecho importante, muchos de nosotros nos preocupamos realmente sobre la viabilidad de Eritrea, su propia confianza como nación. No sólo su propia bandera, su propio parlamento, pero ser un país viable. Lo queremos hacer por nosotros mismos – con todos los problemas que aún tenemos, en términos de los desafíos ecológicos, sociales y políticos.

Esta cuestión está relacionada con política internacional, especialmente la Organización de Unidad Africana (OAU/the Organization of African Unity). Algunas fuerzas políticas fuera de Africa, como las superpotencias, parecen ser menos negativas en cuanto a una independencia eventual de Eritrea comparado con los gobiernos africanos.

- Si puedo permitirme ser un poco cínico en este asunto, mi opinión es que realmente no hay otra opción – dicho francamente. Porque los habitantes de Eritrea han conseguido lo que han logrado de manera propia, porque son capaces de negociar con un enemigo del pasado. Creo que ésto ha contribuido mucho al cambio de la actitud internacional.

En Eritrea oí constantemente que la gente decía: »no hemos luchado durante treinta años por unos puestos ministeriales«, implicando que los combatientes de Eritrea no lucharon por la influencia dentro de Etiopía sino por la independencia. Esta actitud también fue reflejada muy claramente cuando la delegación de Eritrea llegó a Addis Abeba después de la toma del poder del FPRDE, se presentaron como observadores en las negociaciones sobre un futuro gobierno en Etiopía, y no como los otros representantes que eran delegados.

- Sí, esto es verdad.

Los eritreanos también ofrecieron a los etíopes el acceso al mar por el puerto de Assab.

- Esto es muy importante. Es la idea de la colaboración regional en un sentido práctico. Ya está sucediendo en pequeña escala. Creo que la comprensión general del problema, lo cual la población ha entendido, es que no podemos vivir en paz con Etiopía si Etiopía está bloqueada.

¿Quiere decir con eso que Eritrea ya es un estado independiente de hecho, aunque no sea reconocido a nivel internacional de modo legal, implicando que sus países vecinos ya están actuando como si Eritrea fuera un estado independiente?

- Sí, le voy a dar un ejemplo. Cuando el líder del nuevo gobierno de Eritrea reunió a más de 200.000 personas en el estadio para las celebraciones después de la liberación, estaba flanqueado por los Ministros de Relaciones Exteriores de Sudán y de Etiopía. Psicológicamente es muy importante, políticamente significa que esos dos grandes países vecinos realmente y de facto reconocen el gobierno de Eritrea ahora. Oficialmente Eritrea tiene un alto comisario, que atiende áreas de interés conjunto, en Addis Abeba, Etiopía. Psicológicamente es muy importante para el común de los etíopes que han oído decir durante muchos años: esos son los bandidos de las montañas, les van a quitar el país. Debe ser un cambio drástico tener a los enemigos, con los que has peleado durante mucho tiempo, en el peldaño de la puerta, eso sí que es dramático. La mejor garantía para la independencia por Eritrea es mantener la paz y la colaboración entre Eritrea y los países vecinos.

¿El FPLE es la única fuerza política dentro del gobierno provisional o hay otros grupos políticos incluidos?

- En efecto, el FPLE se ha convertido en el gobierno interino por este período de dos años. No sé lo que va a pasar en el proceso. El FLE, el gobierno anterior que fue la organización política durante mucho tiempo, se ha disgregado en muchas fracciones. Se está haciendo difícil para el PLFE, integrar al FLE en este nuevo gobierno como FLE. El FLE fue un movimiento importante hace pocos años. Un gran número de los combatientes del FLE, vuelven a Eritrea ahora, mientras que otros no quieren regresar y prefieren quedar viviendo como refugiados, para inventar historias malignas sobre lo que está sucediendo en Eritrea.

Ahora, en términos de partidos políticos tenemos la opción entre procurar que el FPLE se convierta en un movimiento muy débil o dejarle administrar el país en este período provisional. Una vez que se haya garantizado la plena independencia del país, siempre existe la tradición de políticas multipartidarias. En los años cincuenta teníamos cuatro o cinco partidos políticos, todos diferentes, en Eritrea, gobernando el país y compitiendo por el poder. Y creo que, una vez terminado este período, no podremos evitar el surgimiento de varios partidos políticos en Eritrea. No creo que el FPLE pueda llegar a ser un estado monolítico y de partido único, eso está descartado y no sería aceptable. Tenemos tanta tradición política del pasado que Eritrea no puede ser gobernada por un sólo partido político o un sólo grupo étnico. Ahora necesitamos una administración fuerte que reduzca algunos de nuestros padecimientos físicos, y el FPLE ya tiene mucha infraestructura, pero necesita tener más moral, y apoyo institucional y material para hacer frente a los desafíos.

Por favor, háganos un comentario final, ¿qué siente, qué piensa?

- En primer lugar, estoy muy contento de que todo esto termine, esta gran guerra en nuestra región. Tendrá un efecto muy positivo sobre nuestros países vecinos. Mi visión es que los líderes de Eritrea lleguen a ser mediadores en otros conflictos regionales. Quizás ésto es demasiado ambicioso, pero ése es mi anhelo. En cuanto a la infraestructura y la economía, creo que Eritrea será un estado modelo y va a revelar una gran parte de su capacidad ahora que ha obtenido la paz. Eritrea debería formular un modelo para la colaboración regional, que ya ha empezado. Porque desde un punto de vista realista sabemos que dependemos el uno del otro, política y económicamente en la región. En realidad, esta relación eritreo-etíope podría tener un efecto positivo sobre los países vecinos. Eritrea y Etiopía son países importantes en la región, son bastante poderosos en términos de mano de obra, etc. En realidad soy muy optimista. Hace unos años era muy pesimista, pensaba que esta guerra iba a continuar, que iba a agotar todos nuestros recursos para terminar con la destrucción mutua de ambos países. Sin embargo, el lenguaje ha cambiado de la guerra hacia la paz, y hay que darle una oportunidad a la paz.

Notas

1. Los puntos de vista expresados aquí tienen la intención de informar al público y provocar un debate sobre el tema. No reflejan necesariamente la opinión de PENHA al respecto.
2. Fre se refiere aquí al Frente Popular de Liberación de Eritrea, FPLE.
3. En el norte, los eritreanos han construido escuelas subterráneas, hospitales, fábricas, talleres y laboratorios. También se construyeron caminos y otros medios de comunicación.
4. Zeremariam Fre se refiere aquí a la pro-

vincia eritreana llamada Sahel, la cual visitó el entrevistador en el mes de mayo de 1991.

5 (nota sobre FPLE, FLPT, FDPRE, etc.).

6 El Frente Democrático Popular Revolucionario de Etiopía – el frente que lideró la guerra contra el régimen de Menghistu, dentro de este frente, el FLPT, Frente de Liberación Popular de Tigray, ha sido el factor político dominante.

7 Cuando los eritreanos se refieren al campo o al »bush« están pensando en las bases guerrilleras y los bastiones en la parte montañosa del norte de Eritrea.

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32. The Integration of the Indigenous Peoples of the Territory of RORAIMA, Brazil
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44. Indian Areas threatened by HYDROELECTRIC PROJECT in Brazil
by Paul Aspelin & Silvio dos Santos, 1981

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6. El Parque Indígena Aripuana y el Programa Polonoroeste
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U$ 10 + Franqueo por los 5 documentos

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Banco Mundial:

Directiva Operacional sobre Pueblos Indígenas

Introducción

1. Esta directiva describe las políticas del Banco[1] y las instancias procesales para los proyectos para los pueblos indígenas, y los requerimientos procesales y documentales.

2. La directiva brinda una guía política para (a) asegurar que los pueblos indígenas se beneficien de los proyectos de desarrollo, y (b) evitar o mitigar potenciales efectos adversos sobre los pueblos indígenas causados por las actividades asistidas por el Banco. Se requiere especial atención cuando las inversiones del Banco afecten a los pueblos indígenas, tribus, minorías étnicas, u otros grupos cuyo estatus social y económico restrinja su capacidad de afirmar sus intereses y derechos sobre la tierra y otros recursos productivos.

Definiciones

3. Los términos »pueblos indígenas«, »minorías étnicas indígenas«, »grupos tribales«, y »tribus registradas« describen grupos sociales con una identidad social y cultural distintas de la sociedad dominante que los hace susceptibles de ser desfavorecidos en el proceso de desarrollo. Para los propósitos de esta directiva, »pueblos indígenas« es el término que se usará para referirse a estos grupos.

4. En sus constituciones nacionales, estatutos y legislaciones pertinentes, mucho de los países prestatarios del Banco incluyen cláusulas definitorias específicas y marcos legales que brindan una base preliminar para identificar a los pueblos indígenas.

5. A causa de los contextos diversos y cambiantes en los cuales se encuentran los pueblos indígenas, ninguna definición singular puede aprehender su diversidad. Los pueblos indígenas se encuentran frecuentemente entre los segmentos más pobres de la población. Están abocados a actividades económicas que se extienden desde la agricultura zafral en o cerca de los bosques hasta el trabajo asalariado, o incluso actividades de orientación comercial en pequeña escala. Los pueblos indígenas pueden ser identificados en áreas geográficas particulares por la presencia, en diferentes grados, de las características siguientes:

(a) un vínculo estrecho a los territorios ancestrales y a los recursos naturales en esas áreas;
(b) autoidentificación e identificación por parte de otros como miembros de un grupo cultural distinto;
(c) una lengua indígena, generalmente diferente de la lengua nacional;
(d) presencia de instituciones sociales y políticas consuetudinarias; y
(e) producción fundamentalmente orientada a la subsistencia.

Los administradores de tareas (AT) deben ejercer su propio juicio para determinar las poblaciones a las cuales se aplica esta directiva y deberían hacer uso de expertos antropólogos y sociólogos especializados en el correr del ciclo del proyecto.

Objetivos y Política

6. El amplio objetivo del Banco en función de los pueblos indígenas, así como para todo el pueblo de sus países miembros, es asegurar que el proceso de desarrollo implique pleno respeto de su dignidad, derechos humanos e individualidad cultural. Más específicamente, el objetivo central de esta directiva es asegurar que los pueblos indígenas no sufran efectos negativos durante el proceso de desarrollo, particularmente a causa de proyectos financiados por el Banco, y que reciban beneficios sociales y económicos culturalmente compatibles.

7. Cómo encarar a los pueblos indígenas afectados por proyectos de desarrollo es un asunto controversial. El debate es frecuentemente expuesto como una opción entre dos posiciones opuestas. Un polo es aislar a las poblaciones indígenas cuyas prácticas culturales y económicas les dificulten tratar con grupos externos poderosos. Las ventajas de este enfoque son las protecciones especiales provistas y la preservación de la diversidad cultural; los costos son la ausencia de beneficios de los programas de desarrollo. El otro polo argumenta que los pueblos indígenas deben ser aculturizados a los valores y actividades económicas de la sociedad dominante, de tal manera que puedan participar en el desarrollo nacional. Aquí los beneficios pueden incluir mejores oportunidades sociales y económicas, pero el costo es frecuentemente la pérdida gradual de las diferencias culturales.

8. La política del Banco es que la estrategia para encarar los asuntos pertinentes a los pueblos indígenas debe basarse en la *participación informada* de los pueblos indígenas mismos. Por lo tanto, la identificación de las preferencias locales a través de la consulta directa, la incorporación de conocimiento indígena en el enfoque de proyectos, y un uso apropiado desde los comienzos de especialistas experientes, son las actividades centrales para cualquier proyecto que afecte a los pueblos indígenas y sus derechos a los recursos naturales y económicos.

9. Se darán casos, especialmente en lo que respecta a los grupos más aislados, donde los efectos negativos son inevitables y no han sido elaborados planes de mitigación adecuados. En tales situaciones, el Banco no evaluará proyectos hasta que los planes adecuados hayan sido elaborados por el prestatario y revisados por el Banco. En otros casos, los pueblos indígenas pueden desear ser incorporados, y así lo podrán hacer, en el proceso de desarrollo. En suma, una serie completa de acciones positivas por el prestatario debe asegurar que los pueblos indígenas se beneficien de las inversiones desarrollistas.

El Papel del Banco

10. El Banco encara los asuntos relativos a los pueblos indígenas a través de (a) trabajo económico y sectorial en el país, (b) asistencia técnica, y (c) disposiciones y componen-

tes de proyectos inversores. Los asuntos concernientes a los pueblos indígenas pueden surgir en una diversidad de sectores que conciernen al Banco; aquellos que implican, por ejemplo, agricultura, construcción de caminos, explotación forestal, energía hidráulica, minería, turismo, educación, y el medio ambiente deberían ser cuidadosamente protegidos.[2] Los asuntos relacionados a los pueblos indígenas están comúnmente identificados a través de la evaluación ambiental o los procesos de evaluación de efectos sociales, y deberían adoptarse medidas apropiadas bajo acciones de mitigación ambiental (ver DO 4.01, *Evaluación Ambiental*, a ser publicado).

11. **Trabajo Económico y Sectorial Nacional.**
Los departamentos de los países deben mantenerse informados sobre las tendencias en las políticas de los gobiernos e instituciones que tratan con los pueblos indígenas. Los asuntos concernientes a los pueblos indígenas deben tratarse explícitamente en el trabajo sectorial y subsectorial e introducirse en el diálogo Banco-país. Los marcos de las políticas de desarrollo nacional y las instituciones para los pueblos indígenas frecuentemente necesitan ser fortalecidos para poder crear una base más firme para delinear y procesar proyectos con componentes referentes a pueblos indígenas.

12. **Asistencia Técnica.**
El Banco puede suministrar asistencia técnica para desarrollar la capacidad del prestatario de afrontar asuntos sobre pueblos indígenas. La asistencia técnica es normalmente brindada en el contexto de la preparación del proyecto, pero la asistencia técnica puede también necesitarse para fortalecer las instituciones gubernamentales relevantes o para apoyar iniciativas desarrollistas emprendidas por los mismos pueblos indígenas.

13. **Proyectos de Inversión.**
Para un proyecto de inversión que afecte a pueblos indígenas, el prestatario debe preparar un plan de desarrollo de pueblos indígenas que sea coherente con la política del Banco. Cualquier proyecto que afecte a los pueblos indígenas debe incluir componentes o previsiones que incorporen un tal plan. Cuando el grueso de los beneficiarios directos del proyecto sean los pueblos indígenas, los intereses del Banco serán referidos por el proyecto mismo y las previsiones de esta DO serán aplicables entonces al proyecto en su totalidad.

Plan de Desarrollo para Pueblos Indígenas[3]

Requisitos

14. Los requisitos de un plan de desarrollo exitoso para pueblos indígenas son los siguientes:

(a) El paso clave en la configuración del proyecto es la preparación de un plan de desarrollo culturalmente apropiado basado en la plena consideración de las opciones preferidas por los pueblos indígenas afectados por el proyecto.

(b) Los estudios deberán hacer todo el esfuerzo para *anticipar tendencias negativas* susceptibles de ser inducidas por el proyecto y desarrollar los medios para evitar o mitigar el daño.[4]

(c) Las instituciones responsables de la interacción gubernamental con los pueblos indígenas deben poseer la capacitación social, técnica y legal necesaria para la realización de las actividades de desarrollo propuestas. Las medidas de implementación deben ser simples. Deben normalmente involucrar instituciones existentes apropiadas, organizaciones locales, y organizaciones no gubernamentales (ONG) con experiencia en asuntos relativos a los pueblos indígenas.

(d) Modelos locales de organización local, creencias religiosas, y uso de recursos deben ser tenidos en cuenta en el trazado del plan.

(e) Las actividades de desarrollo deben apoyar los sistemas de producción bien adaptados a las necesidades y al medio ambiente de los pueblos indígenas, y deben ayudar a los sistemas de producción bajo presión a alcanzar niveles sostenibles.

(f) El plan debe evitar crear o agravar la dependencia de los pueblos indígenas de los proyectos. La planificación debe alentar el temprano traspaso de la administración de proyectos a la gente local. Si fuera necesario, el plan debe incluir educación general y capacitación en administración para pueblos indígenas desde los comienzos del proyecto.

(g) La planificación exitosa para los pueblos indígenas frecuentemente requiere largo tiempo de preparación, así como organización de extensos seguimientos. Las areas remotas o desatendidas dónde poca experiencia previa es obtenible, generalmente requieren investigación adicional y programas pilotos para ajustar las propuestas de desarrollo.

(h) Cuando existan programas efectivos ya funcionando, la ayuda del Banco puede tomar la forma de financiamiento adicional para fortalecerlos en vez del desarrollo de programas enteramente nuevos.

Contenidos

15. El plan de desarrollo deber prepararse en conjunción con la preparación de la inversión principal. En muchos casos, la protección adecuada de los derechos de los pueblos indígenas requerirá la implementación de componentes especiales del proyecto que pueden estar afuera de los objetivos primarios del proyecto. Estos componentes pueden incluir actividades relacionadas a la salud y alimentación, infraestructura productiva, preservación cultural y lingüística, derechos a los recursos naturales, y educación. El componente del proyecto para el desarrollo de pueblos indígenas debe incluir los siguientes elementos, en la medida de su necesidad:

(a) *Marco Legal.* El plan debe contener una evaluación de (i) el estatus legal de los grupos cubiertos por esta DO, tal como se refleja en la constitución, legislación, y legislación subsidiaria (regulaciones, órdenes administrativas, etc.) del país; y (ii) la capacidad de dichos grupos para obtener el acceso y el uso efectivo del sistema legal para defender sus derechos. Se debería prestar atención particular a los derechos de los pueblos indígenas a usar y desarrollar las tierras que ocupan, de ser protegidos contra intrusos ilegales, y de tener acceso a los recursos naturales (tales como bosques, fauna, y agua) vitales para su subsistencia y reproducción.

(b) *Informaciones Básicas.* Las informaciones básicas deben incluir (i) mapas y fotografías aéreas precisos y actualizados del área de influencia del proyecto y las áreas habitadas por pueblos indígenas; (ii) inventario de los recursos que usan los pueblos indígenas y datos técnicos sobre sus sistemas de producción; y (iv) la relación de los pueblos indígenas con otros grupos locales y nacionales. Es particularmente importante que los estudios básicos capten la gama completa de las actividades de producción y comercio a las cuales los pueblos indígenas están abocados. Visitas por expertos sociales y técnicos calificados deberían verificar y actualizar los recursos secundarios.

(c) *Tenencia de la Tierra.* Cuando la legis-

lación local necesita ser fortalecida, el Banco debe ofrecerse a asesorar y asistir al prestatario para establecer un reconocimiento legal de los sistemas consuetudinarios o tradicionales de tenencia de la tierra de los pueblos indígenas. Cuando las tierras tradicionales de los pueblos indígenas hayan sido integradas por ley al dominio del estado y cuando sea inapropiado convertir derechos tradicionales en derechos legales de propiedad, deben implementarse arreglos alternativos para otorgar derechos a largo plazo, renovables, de custodia y uso a los pueblos indígenas. Estos pasos deben tomarse antes de la iniciación de otros pasos planificados que puedan depender de títulos de tierra reconocidos.

(d) *Estrategia de Participación Local.* Deben implementarse y mantenerse mecanismos para la participación de los pueblos indígenas en la toma de decisiones a través de la planificación, implementación y evaluación del proyecto. Muchos de los grupos mayores de pueblos indígenas tienen sus propias organizaciones representativas que proveen canales efectivos para comunicar las preferencias locales. Los líderes tradicionales ocupan posiciones claves para la movilización de la gente y deberían ser incluidos en el proceso de planificación, con la debida preocupación de asegurar la genuina representación de la población indígena.[6]

No existen sin embargo, métodos a prueba de errores para garantizar la plena participación a nivel local. El asesoramiento sociológico y técnico brindado a través de las divisiones ambientales Regionales (DAR) es generalmente necesario para desarrollar mecanismos apropiados para el área del proyecto.

(e) *Identificación Técnica de Actividades de Desarrollo o de Mitigación.* Las propuestas técnicas deben proceder de investigaciones en el lugar por parte de profesionales calificados aceptables para el Banco. Se deben preparar y evaluar descripciones detalladas para servicios propuestos tales como educación, capacitación, salud, crédito, y asistencia legal. Debe incluirse descripciones técnicas para las inversiones planificadas en infraestructura productiva. Los planes que se trazan en base a los conocimientos indígenas son frecuentemente más exitosos que aquellos que introducen principios e instituciones completamente nuevos. Por ejemplo, la contribución potencial de la medicina tradicional debería ser considerada en la planificación de sistemas dispensarios de salud.

(f) *Capacidad Institucional.* Las instituciones gubernamentales a las cuales se asigna la responsabilidad sobre los pueblos indígenas son generalmente débiles. El asesoramiento sobre los antecedentes, capacidades y necesidades de esas instituciones es un requisito fundamental. Los asuntos organizativos que necesitan ser tratados a través de la asistencia del Banco son la (i) disponibilidad de fondos para inversiones y operaciones de campo; (ii) adecuación de personal profesional experiente; (iii) capacidad de las propias organizaciones de los pueblos indígenas, autoridades administrativas locales, y ONG locales para interactuar con instituciones gubernamentales especializadas; (iv) capacidad de la agencia ejecutora para movilizar otras agencias involucradas en la implementación del plan; y (v) adecuación de la presencia en el lugar.

(g) *Esquema de Implementación.* Los componentes deben incluir un esquema de implementación por etapas mediante las cuales el progreso pueda ser medido a intervalos apropiados. Generalmente se necesita de programas pilotos para brindar información planificatoria para coordinar los componentes del proyecto para los pueblos indígenas con la inversión principal. El plan debería procurar la sustentabilidad a largo plazo de las actividades del proyecto después de la finalización del desembolso.

(h) *Control y Evaluación.*[6] Cuando las instituciones responsables de las poblaciones indígenas tienen un historial administrativo pobre es necesario generalmente disponer de medios de control independientes. El control por parte de representantes de las propias organizaciones de pueblos indígenas puede ser una forma eficiente para que la administración del proyecto incorpore las perspectivas de los beneficiarios indígenas y es alentada por el Banco. Las unidades de control deben ser compuestas por experientes profesionales en ciencias sociales, y se deben establecer formas y esquemas de informes apropiados para las necesidades del proyecto. Los informes de control y evaluación deben ser revisados conjuntamente por las autoridades de la agencia implementadora y el Banco. Los informes de evaluación deben ser públicos.

(i) *Estimación de Costos y Plan de Financiación.* El plan debe incluir estimaciones detalladas de costos de las actividades e inversiones planeadas. Las estimaciones deben desglosarse en unidades de costos por cada año del proyecto y ser ligadas a un plan de financiamiento. Los programas como financiamiento de créditos restituibles que proveen a los pueblos indígenas con fondos comunes de inversión deben indicar sus procedimientos contables y los mecanismos de transferencia financiera y restitución. Es una ventaja, usualmente, tener una parte lo más grande posible de participación financiera directa por parte del Banco en componentes de proyectos que tratan sobre pueblos indígenas.

Procesamiento y Documentación de Proyectos

Identificación

16. Durante la identificación del proyecto, el prestatario debe ser informado de la política del Banco con respecto a los pueblos indígenas. El número aproximado de gente potencialmente afectada y su ubicación deben ser determinados y mostrado en mapas del área del proyecto. El estatus legal de cualquier grupo afectado debe también ser discutido. Los Administradores de Tarea deben efectuar averiguaciones sobre las agencias gubernamentales involucradas y sus políticas, procedimientos, programas, y planes para los pueblos indígenas afectados por el proyecto propuesto (ver par. 11 y 15 (a)). Los AT deben también iniciar los estudios antropológicos necesarios para identificar las necesidades y preferencias locales (ver par. 15 (b)). Los AT, en consulta con las divisiones ambientales Regionales (DAR), deben señalar los asuntos atinentes a los pueblos indígenas y la estrategia general del proyecto en el Sumario Ejecutivo Inicial del Proyecto (SEIP).

Preparación

17. Si se acordó en la reunión del SEIP que se necesita acción especial, el plan de desarrollo para los pueblos indígenas o su componente en el proyecto, debe ser desarrollado durante la preparación del proyecto. Si fuera necesario, el Banco debe asistir al prestatario en la preparación de términos de referencia y debe suministrar asistencia téc-

nica especializada (ver par. 12). Un modo útil de identificar mecanismos para la efectiva participación y oportunidades locales de desarrollo, es la participación desde el comienzo, de antropólogos y ONG locales con experiencia en asuntos relacionados con los pueblos indígenas. En un proyecto que incluya los derechos territoriales de pueblos indígenas, el Banco debe trabajar junto con el prestatario para clarificar los pasos necesarios para ubicar la tenencia de la tierra en una base estable lo más pronto posible, ya que la disputa de tierras lleva frecuentemente a dilaciones en las medidas ejecutivas que son dependientes de títulos territoriales apropiados (ver par. 15 (c)).

Evaluación

18. El plan para el componente desarrollista para pueblos indígenas debe ser sometido al Banco junto con el informe de la viabilidad general del proyecto, previo a la evaluación del mismo. La evaluación debe establecer la adecuación del plan, de las políticas y de los marcos legales, la capacidad de las agencias encargadas de la implementación del plan, y la adecuación de los recursos técnicos, financieros y sociales asignados. Los equipos de evaluación deben darse por satisfechos si los pueblos indígenas han participado en forma significativa en el desarrollo del plan tal como es descrito en el par. 14 (a) (ver también par. 15 (d)). Es particularmente importante evaluar las propuestas para regularizar el acceso y uso de la tierra.

Implementación y Supervisión

19. La planificación de la supervisión debe efectuar previsiones para incluir las apropiadas capacidades antropológicas, legales y técnicas de las misiones de supervisión del Banco durante la implementación del proyecto (ver par. 15 (g) y (h), y DO 13.05, *Supervisión de Proyectos*). Las visitas *in situ* por los AT y especialistas son esenciales. Las evaluaciones parciales y finales deben establecer el progreso y recomendar acciones correctivas cuando sea necesario.

Documentación

20. El compromiso del prestatario para la implementación del plan de desarrollo para pueblos indígenas deber reflejarse en los documentos de préstamo; las previsiones legales deben suministrar al personal del Banco claras pautas que puedan ser controladas durante la supervisión. El Informe de Evaluación del Personal, y el Memorándum y Recomendación del Presidente deben hacer un sumario del plan o de las previsiones del proyecto.

Notas

1 «Banco« incluye IDA, y »préstamos« incluye créditos.

2 El desplazamiento de pueblos indígenas puede ser particularmente perjudical, y se debería realizar esfuerzos especiales para evitarlo. Ver DO 4.30, *Reasentamiento Involuntario*, por guía política adicional sobre asuntos de reasentamiento relativos a pueblos indígenas.

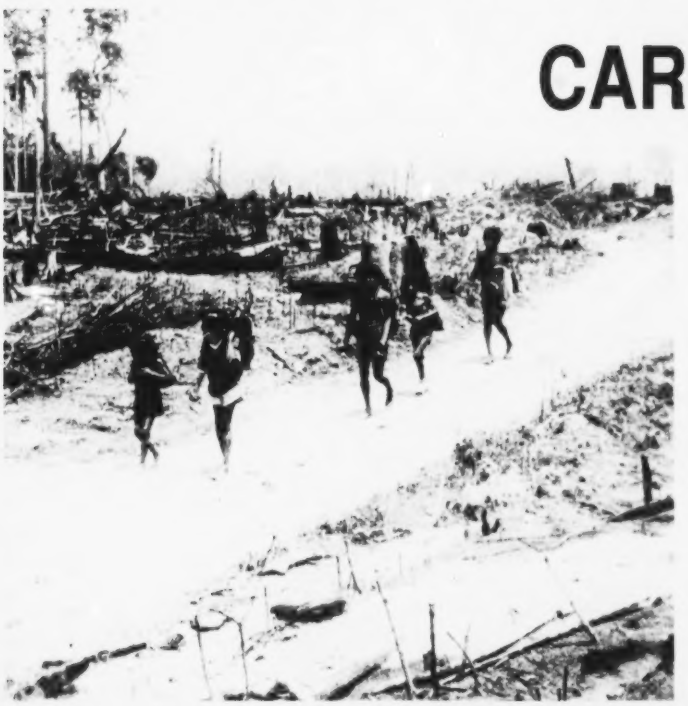
3 Guías técnicas específicas regionales para la preparación de los miembros de los pueblos indígenas, y casos de estudio de las mejores prácticas pueden ser obtenidos de las divisiones ambientales Regionales (DAR).

4 Por instrucciones sobre procedimientos de evaluación sobre pueblos indígenas y medio ambiente, ver DO 4.01, *Evaluación Ambiental*, y Capítulo 7 del *Libro de Referencia sobre Evaluación Ambiental*, Banco Mundial, Informe Técnico No. 139 (Washington D.C., 1991).

5 Ver también »Participación Comunitaria y el Papel de las Organizaciones No Gubernamentales en la Evaluación Ambiental« en Banco Mundial, *Libro de Referencias del Medio Ambiente*, Informe Técnico No. 139 (Washington D.C., 1991).)

6 Ver DO 10.70, *Control y Evaluación de Proyectos*. ❑

Nuevo Documento de IWGIA (DOCUMENTO 13)



CARRETERAS, INDIOS Y AMBIENTE EN LA AMAZONIA

Del Brasil Central al Océano Pacífico

POR MAURO LEONEL

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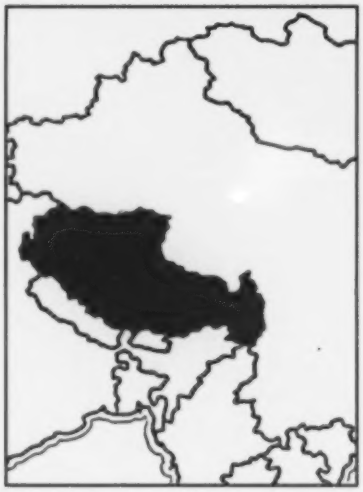
El Manifiesto de Drepung o Democracia en Tibet

Por: Ronald Schwartz



Tibet, Asia Central

El 30 de noviembre de 1989, Ngawang Phulchung, un monje de 30 años del monasterio de Drepung, fue sentenciado en un mitin masivo en Lhasa, a 19 años de prisión por »organizar e integrar una camarilla contrarrevolucionaria y por difundir propaganda contrarrevolucionaria.« El y otros tres monjes de Drepung -Ngawang Osel, Jamphel Changchup, y Kelsang Dondrup- fueron acusados de producir »literatura contrarrevolucionaria« atacando al gobierno chino y »calumniando malignamente nuestro sistema socialista caracterizado por la dictadura democrática del Pueblo.« Los otros monjes recibieron sentencias mayores de diez años. Estas son las sentencias más largas administradas por el delito político de escribir volantes y panfletos desde el resurgimiento de las protestas en Tibet en 1987 (mucho más largas que las recientes sentencias de los activistas democráticos en Pequín). La severidad de las sentencias, las denuncias profundamente ideológicas de los »crímenes« de los monjes, y el espectáculo público de un mitin de sentencias en masa, indican cuán seriamente perciben los chinos la amenaza establecida por las ideas de los monjes de Drepung.

Dos años antes, el 27 de setiembre de 1987, los cuatro monjes se encontraban entre los 21 monjes del monasterio de Drepung que organizaron la primera de una continua serie de manifestaciones pacíficas lideradas por monjes y monjas. Los manifestantes fueron apaleados por la policía, arrestados y puestos en prisión sin cargos durante cuatro meses. Fueron liberados en enero de 1988, por consejo del Panchen Lama, quien apeló por clemencia y calificó a las manifestaciones como el resultado de »persistentes heridas creadas en la mente de la gente« por 20 años de »errónea ideología izquierdista.« Funcionarios gubernamentales reformistas insistieron que una política de prosperidad económica para los *tibetanos*, combinada con un poco de tolerancia religiosa, apaciguaría el descontento nacionalista.

A los pocos meses de su liberación, el grupo de Drepung comenzó a publicar volantes políticos usando primitivos mimeógrafos. Desde el comienzo, el grupo describió sus objetivos como »educación política« más bien que propaganda. Uno de sus primeros proyectos fue el de distribuir una traducción tibetana de la Declaración Universal de los Derechos Humanos. Siendo ellos de origen rural, su literatura estaba prevista para las aldeas, para contrarrestar los argumentos de los funcionarios del Partido sobre que la independencia tibetana es equiparable al »feudalismo« y que sólo el gobierno chino ofrece progreso y modernización a Tibet. La amenaza real constituida por los monjes de Drepung, que eran voceros de un movimiento democrático indigenista muy extendido entre los jóvenes tibetanos, es su identificación de la independencia tibetana con la democracia y los derechos humanos, y su negativa a ser llevados a un debate sobre los méritos de la »vieja sociedad.«

En el verano de 1988, el grupo de Drepung publicó la »Valiosa Constitución Democrática de Tibet«, una ejemplo original de literatura política, quizás el primero proveniente de la generación de jóvenes tibetanos que han crecido bajo el dominio chino. El panfleto de 11 páginas es un manifiesto por un Tibet democrático e independiente. En respuesta a las continuas manifestaciones desde 1987, los monjes de los monasterios -junto con civiles tibetanos de comités vecinales y unidades de trabajo- han sido víctimas de una campaña de mitines políticos para »desarraigar y suprimir el divisionismo«. El manifiesto de Drepung contesta los argumentos de los cuadros políticos en estos mitines. Mucho del vocabulario político del manifiesto de Drepung es tomado en préstamo del vocabulario comunista (palabras como »democracia« y »derechos humanos« en realidad fueron introducidas al idioma tibetano al traducir materiales comunistas chinos). Entonces, destacando las condiciones necesarias para un »gobierno del pueblo«, el término »pueblo« es explicado como referente a las »grandes masas«, y democracia es definida como »un sistema popular que está de acuerdo fundamentalmente con las necesidades, deseos y decisiones de las grandes masas«. El manifiesto de Drepung enfatiza el carácter limitado y representativo del gobierno:

En cuanto a las herramientas para forjar el progreso futuro, es necesario construir una organización política y social basada en la cooperación y el consenso de las grandes masas de Tibet. Este tipo de organización debe ser construida por las grandes masas o por sus representantes cuyos poderes son limitados por el pueblo. Aparte de ésto, una organización construida bajo el imperio de la fuerza y la coerción, no puede justificarse jamás. Con relación a los representantes, tanto la nominación de los representantes como su elección deben ser decididas de acuerdo a los deseos de las masas. Esto tipo de sistema de gobierno es un sistema democrático.

El gobierno chino en Tibet es entendido no sólo como una ocupación foránea, de lo cual no se necesita convencer a los tibetanos, sino cómo no democrático y no

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representativo. El Manifiesto de Drepung brinda un resurgimiento de la constitución de 1963 por un Tibet independiente, delineada por el Dalai Lama y el gobierno tibetano en el exilio, subrayando todos los derechos y libertades obligatorios de las sociedades occidentales - igualdad política, libertad de pensamiento, reunión y religión:

Bajo el amplio marco provisto por la constitución democrática, las personas con diferentes visiones individuales sobre qué curso de acción seguir, ejerciendo sus prerrogativas democráticas, también podrán practicar lo que piensan sin necesidad de temor, hipocresía y ocultamiento.

Pero el manifiesto de Drepung no sugiere un rol político para el Dalai Lama o para su gabinete nombrado en forma tradicional, el *kashag*. Esta es una importante divergencia con respecto a la constitución de 1963 y a la actual operación del gobierno en el exilio.

El manifiesto de Drepung niega explícitamente la »vieja sociedad«, e insiste que un Tibet independiente será un corte, histórico y político, con el pasado:

Habiendo erradicado completamente las prácticas de la vieja sociedad con todas sus fallas, el futuro Tibet no se parecerá a nuestra antigua condición, ni será una restauración de la servidumbre, ni será como el llamado »viejo sistema« de gobierno, una sucesión de señores feudales o estados monásticos.

Una línea de argumentación importante de los cuadros políticos ha sido que los divisionistas quieren restaurar el »feudalismo«. La no deseabilidad de la vieja sociedad es un punto que los monjes conceden gustosamente. Como ellos lo ven, el sistema chino es el principal obstáculo de progreso social. Por lo tanto los monjes Drepung se centran en los derechos y libertades políticas que entienden son una característica de las sociedades democráticas contemporáneas, pero que la China niega.

Otra acusación hecha en los mitines políticos es que los monjes se proponen restaurar los privilegios políticos de los monasterios (»lamaismo« en el vocabulario chino). Significativamente, el manifiesto de Drepung excluye todo tipo de rol político especial para los monjes o los monasterios. El manifiesto de Drepung es religiosamente no dogmático, y el budismo es caracterizado como una serie de principios morales compatibles con la democracia y los derechos humanos. El budismo de los monjes y monjas jóvenes de Tibet es una religión que ha sido reducida a su esencia. El elaborado ritual de la religión tradicional ha sido perdido en su gran mayoría. El budismo ofrece una alternativa intelectual a la ideología marxista y es identificado con la causa nacional tibetana. Del budismo también proviene el compromiso con la no violencia y el respecto de la integridad individual. De esta manera, el manifiesto de Drepung contradi-

Nómadas tibetanos.
Foto: Anders Højmark Andersen

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ce los alegatos chinos, insistiendo que es el budismo el que es consecuente »con la práctica general del mundo contemporáneo«, no el comunismo.

Ngawang Phulchung y los tres otros monjes de Drepung fueron arrestados en abril de 1989, un mes después de la declaración de la ley marcial en Lhasa. No hay ninguna evidencia de que participaron en las manifestaciones y tumultos que llevaron a la instauración de la ley marcial. Una declaración oficial emitida por la Radio Lhasa el día de las sentencias, denunció las ideas de los monjes Drepung, declarando que los »crímenes cometidos por Ngawang Phulchung y otros criminales demuestran que los así llamados derechos humanos, libertades y democracia, esgrimidos por los separatistas, tanto locales como en el exterior, son nada más que un montón de mentiras engañosas«. Los monjes fueron descritos como la »escoria de los círculos religiosos« que han »sistemáticamente traicionado las doctrinas religiosas y cánones del budismo con sus acciones«. Los chinos no tienen otra opción que restringir el budismo a una colección de supersticiones remanentes. Finalmente, la amenaza constituida por el desarrollo de una forma políticamente activa de budismo es que concentrará el descontento tibetano en el sistema de gobierno comunista y que la exigencia de independencia se convertirá en sinónimo de la exigencia de democracia en Tibet.

La Valiosa Constitución Democrática de Tibet

Si bien es difícil describir cual será nuestra situación futura, es la responsabilidad de cada uno prepararse para el futuro. Si los tibetanos continúan luchando con una valerosa determinación basada en la fuerza de la verdad establecida, no tendremos que estar siempre sometidos a los invasores foráneos chinos; poseyendo el derecho de autodeterminación de acuerdo con la ley internacional, no hay duda que seremos capaces de disfrutar el esplendor de todas las libertades religiosas y políticas. Habiendo erradicado completamente las prácticas de la vieja sociedad con todas sus fallas, el futuro Tibet no se parecerá a nuestra antigua condición, ni será una restauración de la servidumbre, no será como el llamado »viejo sistema« de gobierno, una sucesión de señores feudales o estados monásticos. Entendiendo que es necesario un gobierno democrático que incorpore tanto los principios religiosos como los seculares, y con el propósito de mostrar el futuro camino hacia adelante para el pueblo tibetano, Su Santidad el Dalai Lama ha aprobado una ley nacional para un futuro Tibet que concuerda con la práctica general del mundo contemporáneo. Esta constitución está basada en las sagradas enseñanzas, elegantemente expresadas por Buda, así como la Declaración de Derechos Humanos de las Naciones Unidas, el derecho a la autodeterminación, y la proclamada autoridad de ejercer el derecho de autodeterminación.

En esta constitución hay igualdad sin discriminación entre clérigos y laicos, o basadas en el sexo, lenguaje, religión, origen social, raza, riqueza, región u otro estatus cualquiera (Artículo 8). El tratamiento inhumano del individuo cesará; la esclavitud, el trabajo explotador, y el trabajo infantil no están permitidos (Artículo 17). Además, la constitución proclama claramente que todo tibetano tiene un derecho igual a la libertad de pensamiento, consciencia y religión (Artículo 17), la libertad de reunión, el derechos a la vida, al voto, la libertad de movimiento, la libertad de empleo, la libertad de expresión, y el derechos a formar asociaciones (Artículo 18, 20). Se ha establecido un amplio y democrático camino para desarrollar la sociedad a través de la libertad y libertad de opción del pueblo.

Para practicar la democracia incorporando los principios religiosos y seculares, es necesario entender bien el sentido del término »democracia« *(dmangs gtso)*. Por ejemplo, la primera sílaba, »pueblo« *(dmangs)*, se refiere a las grandes masas, no a unas pocas personas, y no diferencia en base a herencia, poder, o riqueza. Sus pensamientos son supremos; o, en otras palabras las grandes masas son reivindicadas como la autoridad final. También, desde otro punto de vista, si tomamos el caso de nuestro pueblo tibetano, el término »pue-

Tropas chinas durante la invasión de Tibet.
Foto: Archivo IWGIA

Monje tibetano. Foto: Anders Højmark Andersen

blo« *(dmangs)* se refiere a las grandes masas de las tres provincias de Tibet. En cuanto a la segunda sílaba *(gtso)*, debería entenderse como referente a los pensamientos y deseos del pueblo como supremos. Razonando de tal manera, »democracia« *(dmangs gtso)* se refiere a un sistema popular que está fundamentalmente adecuado a las necesidades, deseos y opciones de las grandes masas. Bajo el amplio marco provisto por la constitución democrática, gente con puntos de vista individuales sobre qué curso de acción tomar, al ejercer sus prerrogativas democráticas, serán también capaces de practicar lo que piensan y dicen sin necesidad de temor, hipocresía, y ocultamiento.

En cuanto a los instrumentos del futuro progreso, es necesario construir una organización política y social basada en la cooperación y el consenso de las grandes masas de Tibet. Este tipo de organización deber ser construida por las grandes masas o por sus representantes cuyos poderes estén limitados por el pueblo. Aparte de ésto, una organización creada bajo el imperio de la fuerza y la coerción, nunca puede ser justificada. Con relación a los representantes, tanto la nominación de los representantes y su elección deben ser decididas de acuerdo a los deseos de las masas. Tal sistema de gobierno es un sistema democrático. Por lo tanto la Asamblea de los Diputados del Pueblo juega el rol principal en la conducta de la Asamblea Nacional con el propósito de la toma de decisiones de importancia vital por parte del gobierno tibetano. De la misma manera, si tomamos el ejemplo de las sociedades de poblados cooperativos, los representantes electos por el pueblo de esa área toman las decisiones importantes en forma mayoritaria.

No sólo este sistema democrático está de acuerdo con las condiciones contemporáneas, sino que también está de acuerdo con la filosofía del budismo. Sólo si el futuro gobierno de Tibet es un gobierno formado por el pueblo, incorporando principios religiosos y seculares, tal gobierno podrá ser aceptado como el gobierno del pueblo. Una constitución por un futuro Tibet debería basarse en el sistema contemporáneo de democracia y debería también estar de acuerdo con la actual situación de Tibet.

Para ejercer la igualdad, la libertad y los derechos democráticos, es necesario entender claramente la naturaleza fundamental de la democracia. La democracia no significa que se permita hacer lo que uno le parezca sin ningún respeto por el orden. Tampoco son los derechos democráticos excusa para perseguir intereses egoístas sin la necesidad de cumplir con las correspondientes responsabilidades democráticas.

En suma, para que Tibet sea administrado en el futuro por tibetanos, y para que los tibetanos decidan los asuntos tibetanos, y para que los tibetanos puedan ejercer ellos mismos los derechos pretendidos por la valiosa constitución, debemos recordar que cada uno, joven y viejo, debe firmemente hacer lo todo lo posible en todas las formas, directa e indirectamente, por el movimiento de restauración de la libertad tibetana. ❑

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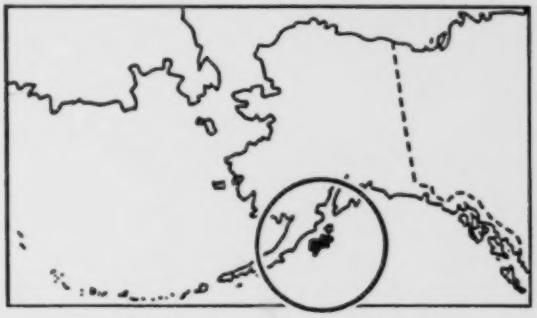
Al fin descansan en paz

los restos de 756 antepasados Konyag son restituidos a su pueblo



Isla Kodiak, Alaska, (EEUU)

La comunidad de Larsen Bay, en la isla de Kodiak, celebró una simple ceremonia ortodoxa rusa y volvió a enterrar los restos de 756 de sus antepasados en una fosa común el 5 de octubre. Los restos habían sido desenterrados por científicos de la Institución Smithsonian, de Washington, hace unos 50 años.

Esta historia comienza en realidad en los años 30, cuando el antropólogo Ales Hrdlicka, director del Museo Smithsonian de Historia Natural, viajó a Larsen Bay, una pequeña aldea pesquera *aleutiana* en la costa oeste de la isla de Kodiak, con una equipo de siete colegas estudiantes y comenzó a abrir tumbas. Trabajaba para el Museo Smithsonian y su misión era recolectar antiguos restos *aleutianos* para su posterior estudio.

El pueblo de Larsen Bay, que hasta hace poco se autodenominaba *uyakslamiut*, dice que no se oponen a la idea de que sus ancestros sean estudiados, pero están disgustados por el modo en que los estudios se realizaron.

Hrdlicka y sus hombres no pidieron permiso a los aldeanos antes de comenzar su trabajo, y cuando lo terminaron, casi 800 tumbas no marcadas habían sido desenterradas y vaciadas.

Algunos de los aldeanos presentes en la ceremonia dijeron que estaban profundamente asustados por ésto, y es un alivio para ellos recuperar los restos óseos.

Los restos tenían una antigüedad de 500 a 2.000 años, aunque algunos eran posiblemente víctimas de la más reciente epidemia de gripe de 1918. Hoy, gracias al Acta de Protección de Entierros y Tumbas de Nativos Americanos de 1990, se requiere a los museos federales que devuelvan los restos a las tribus que así lo demanden.

Los restos de los *konyag* fueron vueltos a enterrar cerca de la cresta del camino de dos millas que enlaza a las aldeas, con vista a la Bahía de Uyak y la casi centenaria fábrica enlatadora de salmón. Unos 100 metros al oeste hay un área que los aldeanos llaman el »osario«, de donde los restos fueron desenterrados entre 1931 y 1938.

Todavía hay en el Smithsonian 144 restos, incluyendo ojos tallados en madera que habían sido enterrados junto con los huesos hace muchos años. Los funcionarios del Museo dicen que los objetos serán enviados dentro de dos meses para ser guardados en el museo. El vicepresidente del consejo tribal, Frank Carlson dice que no es así. » Los vamos a enterrar«.

Los restos llegaron como carga, empacados en cajas de cartón numeradas. Docenas de pequeñas cajas contenían un cráneo cada una, dijo el Presidente del Consejo Tribal Roy Jones, y la mayoría de las cajas fueron enterradas sin abrir. El arqueólogo de la Asociación Nativa del Area Kodiak, Rick Knecht, sugirió que los restos fueran enterrados en neveras portátiles, selladas, en caso de que fueran necesitados posteriormente, pero el Consejo Tribal de Larsen Bay rechazó la idea.

Los restos de Larsen Bay constituían la colección individual más grande de un grupo nativo que tenía el museo Smithsonian. Antes del 9 de octubre, el Smithsonian había devuelto cinco colecciones de restos a los indios *modoc* de Oregón, 15 a los *blackfeet* (pies negros) de Montana, 197 a los *hui malana i kutna* o *hawai'i nei* de Hawaii y 20 a los *sisseton-wahpeton sioux* de Dakota del Sur. El Museo tiene 30 demandas pendientes, incluyendo cuatro de los nativos de Alaska.

La demanda nativa

El Consejo Tribal de larsen Bay que inició la repatriación, luchó según se informa, durante seis años con el Smithsonian antes de que los huesos fueran finalmente devueltos a la aldea a fines de setiembre.

La batalla de Larsen Bay comenzó mucho antes que la ley de repatriación fuera aprobada y el Smithsonian era aparentemente reacio a devolver lo que ellos creían que era de ellos. A pesar de que el grueso de los restos humanos fueron devueltos, cinco series de restos faltaban cuando el Smithsonian envió las cajas en setiembre.

Muchos de los 150 residentes de la aldea recuerdan las irrespetuosas técnicas de excavación de Hrdlicka, pero pocos ancianos querían hablar de ello. El consenso era terminar con la fanfarria y dar descanso a los restos en el lugar donde pertenecían.

Frank Carlson, vicepresidente del consejo tribal de la aldea, y la fuerza motora de los esfuerzos para la repatriación, es lo suficientemente anciano para recordar la excavación de los años 30. El tenía 10 años en ese entonces. El recuerda cómo el equipo arqueológico llegó a la aldea y tomó lo que quería. Carlson, que ahora tiene 60 años, dice que Hrdlicka y sus hombres no se molestaron en preguntar antes de comenzar a excavar en la playa y las tumbas en el »osario«, simplemente lo hicieron. La fosa común era, y todavía lo es, referida como el »osario« por los ancianos de la aldea. »No tenían permiso del gobierno, ni de nadie«, dijo.

Según Carlson antes la aldea sólo tenía jefes para representarlo, y estos jefes nativos no tenían el poder de control sobre las acciones del »hombre blanco« en sus aldeas. »Sólo cinco familias vivían aquí. Teníamos sólo una escuela y un maestro. El maestro era el que mandaba. El era la ley«, dijo Carlson, explicando como los no nativos trataban a los aldeanos en esos tiempos. »Los aldeanos en ese entonces recién estaban empezando a organizarse (políticamente)«.

Los ancianos dijeron que Hrdlicka prohibió a su equipo tratar con los aldeanos o darles cualquier tipo de información sobre

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lo que estaban haciendo en realidad. Se le ordenó a la aldea entera mantenerse al margen de las excavaciones y no hacer preguntas.

Dorothy (Dora) Aga, quien parecía bastante molesta sobre la importancia dada a la repatriación, expresó que ella recordaba al arqueólogo y su equipo. Aga, que tiene 74 años, una indígena de Ouzinkie, tenía 20 años en el momento de las excavaciones. »Cavaron en mi jardín. No tenían permiso...,« dijo Aga, mientas que comía avena en la mesa de su cocina la mañana del entierro.

Ella relató que recordaba que Hrdlicka prohibió a su equipo hablar con ellos y Hrdlicka tampoco habló nunca con ninguno de los nativos. »Su actitud fue deleznable,« recordó.

Ella dijo que el consejo tribal ha pasado muchos años tratando de recuperar los huesos y ahora que están de vuelta no habría que darle tanta importancia. »Yo quiero simplemente verlos enterrados y librarme de ellos«. También dijo que no le gustaba ser entrevistada porque no le había prestado mucha atención a las excavaciones en su momento. No se consideraba una experta. »Los periodistas vinieron aquí y me preguntaron un millón y medio de preguntas, no sé nada de estos huesos,« dijo.

El vicepresidente del consejo tribal Frank Carlson tiene una opinión diferente. Dice que ya que es la repatriación más grande de la nación de restos nativos, toda Alaska y la nación entera deberían estar al tanto.

Carlson expresó que no sabía en lo que se estaba metiendo cuando escribió al Smithsonian y pidió el retorno de sus ancestros, »..escribieron cartas de contestación bastante fuertes. Daban como excusa que todavía estaban estudiando los restos. ¿Todavía, después de 50 años?«, preguntó riéndose.

El dijo que el consejo terminó pidiendo ayuda a Cordon Pullar, quien en ese momento era el presidente de la Asociación Nativa del Area de Kodiak. Pero el Smithsonian no cedía, incluso después que la corporación regional se integró a la batalla. »No hacíamos ningún progreso, así que apelamos al Fondo de los Derechos de los Nativos Americanos (NARF),« dijo Carlson. NARF, una firma legal a nivel nacional, sin fines de lucro, que protege a los derechos de los indígenas americanos, no vaciló en sumar sus agresivas tácticas legales, y el abogado de NARF, Henry Sockbeson, un indio de la tribu *penobscot* de Maine, trabajó en el caso de Larsen Bay durante los últimos cuatro años.

Sockbeson dijo que el caso de Larsen Bay fue una dura batalla legal porque tuvo lugar antes del surgimiento del acta de repatriación. El Acta facilita mucho la recuperación de restos. En un momento el Smithsonian trató de usar una variedad de leyes para mantener la posesión de los huesos. Pero, después de la aprobación de la ley de repatriación, el Smithsonian no tenía prácticamente nada que hacer, explicó Sockbeson.

»El pueblo de Larsen Bay ha sentado un precedente para otros grupos nativos, y el museo se dio cuenta ahora que tiene que devolver los restos. Y alentamos a otros a hacerlo también,« dijo. Sockbeson no cree que con un caso de esa magnitud la tribu habría recuperado los restos sin la ayuda de NARF. »Los mecanismos están aceitados ahora. Otras tribus no necesitan ni siquiera a NARF,« declaró.

Frank Talbot, director del Museo Nacional Smithsonian de Historia Natural y por lo tanto un sucesor de Hrdlicka, expresó que la repatriación de Larsen Bay demoró mucho. Dijo que las técnicas de excavación usadas en los 30 son totalmente inaceptables según las normas de hoy. »Los científicos -en ese entonces- tenían diferente escala de valores. Eran insensibles a los nativos.« »La devolución de los huesos es una pérdida de información – porque el museo no está más en posesión de los mismos para estudiarlos – pero el devolverlos también constituye una satisfacción de las necesidades emocionales y espirituales de los pueblos,« dijo. »Siento la profundidad de las emociones del pueblo con esta nueva amistad simbólica«. »Con esta devolución siento amistad y entendimiento.«

La ceremonia ortodoxa

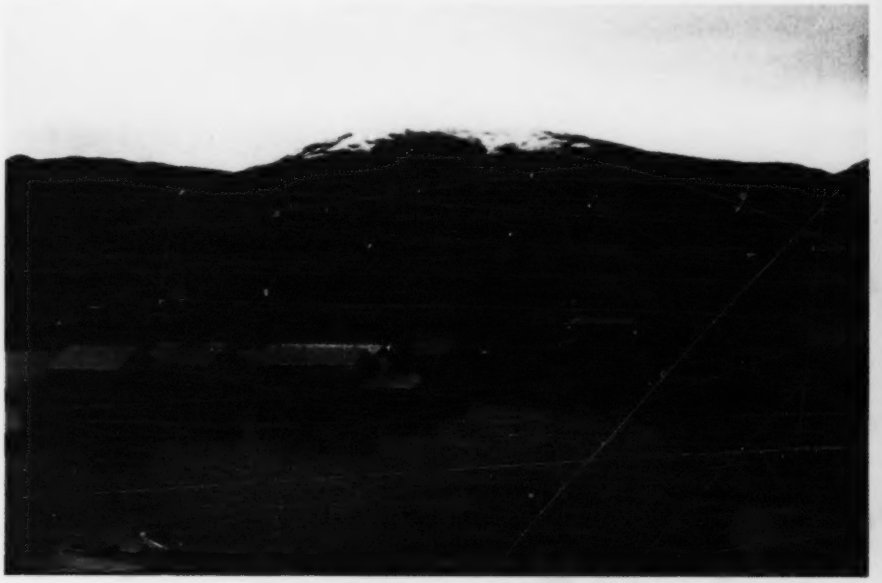
Desde 1784 hasta 1867 cuando Alaska fue vendida a los Estados Unidos, la isla de Kodiak fue gobernada por la Rusia zarista. Los pueblos nativos, llamados *aleutianos* por los rusos, fueron convertidos al cristianismo y la Iglesia Ortodoxa Rusa es hoy considerada como una institución nativa en la isla de Kodiak y en otras partes del sur de Alaska.

Unos 50 aldeanos se juntaron para la ceremonia funeraria ortodoxa rusa. Las mujeres cantaron y el Padre Peter Kreta caminó a lo largo de la fosa esparciendo incienso sobre los restos nativos excavados en los años 30.

La noche anterior a la ceremonia, cinco mujeres aldeanas practicaron su coro sentadas alrededor de una mesa tratando de recordar las canciones apropiadas en ruso, inglés y *alutiiq* (el lenguaje nativo) tal como lo había pedido el Padre Peter Kreta. Fred Katelnikoff, un nativo de Larsen Bay, estuvo hasta las 3 de la madrugada construyendo una cruz ortodoxa rusa a ser erigida en el lugar del entierro.

Antes de la ceremonia, fue cavada una fosa de 45 pies de largo, para albergar a las 370 cajas de cartón, clasificadas y numeradas, conteniendo los restos óseos; era el lugar de descanso final para los ancestros de la aldea. Marina Waselie, de 79 años, dijo que estaba triste y aliviada al mismo tiempo. »Ni siquiera sabemos quiénes son. Podrían ser nuestras tíos, abuelos o primos.«

»Uno no puede cumplir sus sueños si ha ofendido a sus ancestros,« dijo Gordon Pullar, citando a un filósofo indígena nigeriano.



Vista de la Bahía de Larsen. Foto: Jens Dahl.

El Padre Peter de Kodiak planificó el servicio religioso en esta aldea predominantemente ortodoxa. El servicio conmemorativo era ruso ortodoxo en todos los aspectos excepto en uno – las voces que cantaban sobre la fosa común lo hacían en tres lenguas. »Imaginamos que las tres lenguas están allí representadas – aquellos que hablaban ruso, los que hablaban alutiiq y los que hablaban inglés,« dijo Kreta antes del servicio.

La mayoría de los restos óseos databan de antes de la ocupación rusa de lo que hoy es el sur de Alaska y por lo tanto antes de la introducción de la ortodoxia rusa. Sin embargo, como Hrdlicka excavó algunos nativos que murieron al comienzo de 1900 junto con otros cuerpos que tenían varios cientos de años, Kreta quería que el servicio estuviera dirigido a todos ellos.

Olyda Christensen, de 71 años, una anciana que ve a los niños de la aldea hablar inglés, era una de las cinco mujeres que cantaban en la lengua nativa como parte del servicio. Su coro traducía »Memoria Eterna«. »Siento lo mismo por ellos que por cualquiera que perdemos porque ellos también eran seres humanos – tienen que ser puestos a descansar,« dijo ella. »Quizás sus almas no han descansado durante todos estos años y ahora los vamos a poner a descansar y vamos a celebrar un funeral realmente bueno para ellos.«

La ética general de que todos merecen un entierro decente, guió a algunos aldeanos quienes dijeron que no se sienten personalmente ligados a los restos óseos largamente ausentes. Fred Katelnikoff contó que él y cuatro de sus pequeños hijos ayudaron a acarrear las pequeñas cajas de huesos al lugar del entierro porque »tratamos de que nuestros hijos participen.«

¿Qué pensaba del servicio para nativos anónimos, la mayoría de los cuales habían muerto hace cientos de años?

»Para mi no es gran cosa, es solamente un montón de huesos,« dijo. Pero Katelnikoff agregó, »pero a fin de cuentas es mejor que sean enterrados a que estén en un museo quién sabe dónde.«

Después de la ceremonia, los participantes tiraron un puñado de tierra sobre las cajas. La breve ceremonia finalizó en una hora, los funcionarios embarcaron en los aviones para volver y un pequeño tractor rellenó la fosa. La cruz ortodoxa, blanca, de 12 pies de altura, señala ahora dónde está la fosa.

Fuentes:
Tundra Times; Anchorage Daily News. ❑

DOCUMENTO IWGIA 70 por Andrew Gray

Between the spice of life and the melting pot:
Biodiversity conservation and its impact on indigenous peoples

U$ 7.50

Australia:

Después de 100 años, Dick Cubadgee regresa a su tierra

En el mes de junio pasado, los restos de un hombre aborigen, cuyo cuerpo estuvo en el Museo de Australia del Sur por más de cien años, fue devuelto y enterrado en su territorio tradicional cerca de Tennant Greek.

Los restos de Dick Cubadgee, un hombre warumungu que se desempeñó como guía, interprete e intermediario del explorador David Lindsay en la década de 1880, fue devuelto por el Museo de Australia del Sur luego de consultar al Consejo Central del País y al pueblo warumungu. Se cree que es la primera vez que se devuelve un esqueleto para ser sepultado.

»Tu estás de vuelta en casa. Este es tu hogar. Tu has estado fuera de aquí pero ahora tu has regresado y descansas en tu tierra. Toda la familia está contigo así que puedes descansar en paz en tu propia tierra«.

Con estas palabras, Brian Tennyson dio la bienvenida a Cubadgee.

Parados junto a la tumba, los descendientes de Cubadgee hablaron en *warumungu, waripiri* e inglés sobre la importancia de su regreso.

Jimmy Frank explicó que: »Este es su tierra de sueños, la tierra de sus padres, antes que el hombre blanco viniese a esta tierra y nosotros todavía hoy creemos en nuestra tierra de sueños«.

»Esto es algo importante, porque el se fue de aquí, este es su lugar tradicional, su tierra de sueños que es la tierra de su padre.«

Y como otro *warumungu* dijo: »Miren esa roca, es su cuerpo, miren ese árbol, es su cuerpo«.

Al mismo tiempo que Cubadgee regresó para formar parte de su tierra, sus descendientes reafirmaron sus lazos de unión de su cultura viva con la tierra.

La ceremonia fúnebre fue programada de manera tal que coincidiese con las ceremonias de iniciación de dos hombres jóvenes que, se cree, son descendientes de Cubadgee.

Dick Cubadgee fue un gigante, en todo sentido. Tenía una altura superior a los seis pies. Su padre y su hermano eran todavía mayores. Su padre fue descrito como »el rey de los *warramungas*« por el explorador David Lindsay – un término ahora considerado incorrecto para ser utilizado sobre la sociedad aborigen, pero que indica la importancia de la familia Cubadgee.

David Lindsay realizó varias expediciones a través de la región Tennant Creek durante la década de 1880 y Dick Cubadgee fue su guía e intérprete, contribuyendo enormemente en el éxito de la expedición de Lindsay, particularmente al viajar sin conflictos con los aborígenes locales.

En 1887, 1888 y 1889, Lindsay llevó a Cubadgee a las Exhibiciones Internacionales de Adelaide y Melbourne. También lo presentó a la Casa de Gobierno de Adelaide y a las Reales Sociedades Geográficas en ambas ciudades.

Los viajes han sido un gran éxito para Lindsay. Se conocía poco acerca de la cultura aborigen y el resultado, en ese momento y allí, fue de mucho interés.

Cubadgee tenía una personalidad carismática, y su tiro de *boomerang* y su forma de encender el fuego lo hacían una atracción extremadamente exótica.

Ambos retornaron a Australia Central para otra expedición después del viaje de 1889, pero durante la expedición, Cubadgee contrajo un tumor canceroso en el cuello.

Lindsay lo envió al Hospital Real de Adelaide para que se le extrajera el tumor, pero, aunque la operación parece haber sido exitosa, Cubadgee empeoró gravemente durante su convalecencia. Contrajo tuberculosis, una de las muchas enfermedades europeas que asoló la población aborigen durante los primeros años de la colonización y que todavía hoy mata a muchos de ellos a pesar de haber sido virtualmente erradicada entre la población no-aborigen de Australia.

Cubadgee se hizo de muchos amigos durante su estadía en el hospital. Las enfermeras y los miembros del cuerpo auxiliar de mujeres del hospital, le leían historias de la Biblia a cambio de historias de la cultura *warumungu* y de la vida en el »bush«.

A medida que su enfermedad agravaba, hablaba con más y más énfasis de la importancia de la tierra para el pueblo aborigen. Habló del daño causado por los europeos. De acuerdo a los registros del Museo de Australia del Sur, dijo »los blancos fueron intrusos en mi país y deben dejar a mi pueblo tranquilo«.

Pidió regresar a su tierra pero fue dejado en el hospital hasta su muerte, el 15 de septiembre de 1889. Tenía 19 años.

Hasta este punto, la vida de Cubadgee fue bastante inusual, pero después de su muerte su destino fue compartido con el de miles de aborígenes, durante años.

De alguna manera, a pesar de que se le celebró un funeral, los restos de Dick Cubadgee terminaron en el Museo de Australia del Sur.

El actual jefe de antropología del Museo, Dr. Christopher Anderson, dice que lo que pasó exactamente sigue siendo un misterio.

»Dudo mucho que se haya profanado su tumba«, dice el Dr. Anderson »pero parece que el cirujano era un buen amigo del jefe del Museo«.

Así, los restos de Dick Cubadgee quedaron en Adelaide, a miles de millas del claro cielo azul y las arenas rojizas del territorio *warumungu*.

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Los restos se exhibieron hasta 1912, pero en los últimos tiempos fueron conservados en el »cuarto sagrado secreto« del Museo, que guarda una gran colección de objetos sagrados y restos aborígenes.

El Museo de Australia del Sur se plantea una política de retornar los objetos sagrados a los sitios a que pertenecen y, en lo posible, a sus dueños. Es un proceso prolongado, generalmente incluyendo años de trabajo para identificar los orígenes y encontrar (y consultar) a las personas adecuadas.

En el caso de Cubadgee, se encontraba al alcance una gran parte de la información en los diarios de David Lindsay.

El último año, el Dr. Anderson hizo mención de los restos de Cubadgee al Consejo Local Central y una serie de encuentros fueron organizados para hablar con el pueblo *warumungu* y así planificar el retorno de los restos.

En mayo, viajaron ocho ancianos a Adelaide para llevar adelante las primeras ceremonias de la preparación del retorno.

Jimmy Frank, cuya madre compartió el mismo lugar de sueños que Cubadgee, entró al cuarto sagrado secreto con el Dr. Anderson para recibir los restos.

»No podíamos tocar la caja con nuestras manos«, dijo Mr. Frank.

»Nos arrodillamos e inclinamos nuestros pechos. Todos hicimos lo mismo y les dijimos que sería bueno ver los restos de regreso a su tierra y sepultados allí«.

Unas semanas más tarde el Director del Museo de Australia del Sur, el Sr. Lester Russell, voló a Tennant Creek, a 500 km. al norte de Alice Springs, con la urna.

Fue llevado a la tierra conocida como Jurnkurakurr, el lugar de sueños de Cubadgee, para que se celebrase nuevamente su funeral, el 4 de junio, en una ceremonia calma y emotiva.

La ceremonia fúnebre fue una mezcla de prácticas tradicionales y modernas. La urna fue sepultada en una fosa pero recién después que los hombres, mujeres y niños del área presentaron sus respetos al »viejo hombre«, en su forma tradicional.

Cada uno se arrodilló ante la urna, realizando el mismo ritual que se hizo en el Museo – inclinando los pechos sobre la urna. Es un gesto que simboliza el contacto de los espíritus.

»Así es como se hizo años atrás, antes de los blancos vinieran aquí«, dijo Jimmy Frank.

»La gente solía morir en sus propios campamentos, y se juntaba a la tribu y la gente refregaba sus pechos los unos contra los otros, y luego se llevaban el cuerpo.«

»Todavía recordamos quienes son sus tataranietos hoy«, dijo Jimmy Frank.

»Sabemos de qué lugar de sueños venía. Su padre fue llamado rey, el rey de Jurnkurakurr – esto es Creek Tennant, el hueco en la sola roca que hay en Jurnkurakurr«.

»El padre de Cubadgee fue el rey de Jurnkurakurr, y los nietos de Cubadgee son todavía hoy los reyes de Jurnkurakurr«.

Fuentes:
Land Rights News. Julio 1991. ❑

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Tanzania:
Pastores expulsados de Mkomazi

A pesar de una conciencia creciente sobre las ventajas que se pueden obtener de la participación de los habitantes del lugar en la conservación de la fauna (consultar los Issues Papers no. 17 & 26), los conservacionistas piden que los pastores *maasai* sean expulsados de la Reserva de Animales de Mkomazi en Tanzania.

La Reserva de Animales de Mkomazi es una zona de 1.000 km², en la región de Kilimanjiro, en el noreste del país. Protege una gran variedad de tipos de vegetación y de fauna. Los territorios áridos de Mkomazi son famosos por proveer un habitat adecuado para algunas de las especies de animales menos comunes de Tanzania. También es el territorio de 400 pastores. Los conservacionistas están convencidos que la reserva está amenazada por descuido y degradación, a causa de la actividad humana y crianza de ganado.

Los residentes de la reserva tenían el permiso de quedarse la primera vez que fue proclamada oficialmente, en 1951. Desde entonces, también han sido asignado permisos a otras personas para vivir en la reserva. En 1981, habían 41 familias con 30.000 animales domésticos. Se les acusan de destruir el habitat natural y como consecuencia la fauna, a causa del agotamiento de las pasturas, quemas y caza y pesca furtivas.

En 1978, la autoridad regional, que es la responsable de la administración de la reserva, ha ordenado el reasentamiento de estos habitantes y su ganado. Sin embargo, hoy en día sigue siendo un postulado porque todavía no se ha podido encontrar su restablecimiento. Esto ha resultado en inversiones limitadas del exterior en la reserva, dado que grupos internacionales conservacionistas nos informan que el reasentamiento de los pastores, será una condición para su ayuda.

Esta posición es un reflejo del concepto convencional que considera al ser humano como enemigo de la fauna y pide su exclusión de las zonas de conservación. Esto no solo ha causado problemas, sino que tampoco tiene en cuenta los derechos consuetudinarios de los pueblos a la tierra que han ocupado tradicionalmente. La ocupación de Mkomazi de parte de los *maasai* remonta a más de 100 años. Este concepto no aprovecha la oportunidad de realizar encares de tipo comunitario que podrían restablecer la ayuda local para la protección de la fauna, ofreciendo beneficios a los habitantes del lugar para conservar el medio ambiente natural. ❑

República Central Africana:
Nuevas amenazas a los pueblos selváticos

La Reserva Forestal Especial de Dzanga-Sangha y el Parque Nacional Dzanga-Ndoki en el suroeste de la República Central Africana (RCA) es el territorio de los pigmeos *baaka* y otros pueblos selváticos. La reserva y el parque también protegen los últimos ecosistemas intactos forestales densos de la RCA que contienen entre la más elevada densidad de población de elefantes selváticos, gorilas de tierras bajas, chimpancés, bongo y lo mejor de la fauna y flora selvática africana. Tres proyectos de desarrollo y explotación forestal recientemente propuestos o aprobados, están ahora amenazando a los pueblos selváticos y el ecosistema forestal único.

El Banco Africano de Desarrollo financia un Proyecto de Desarrollo Rural en las Areas Cafetaleras de Mbaiki y Berberati-Fase II. Estos intentos incluyen la apertura y la mejora de caminos forestales y la rehabilitación de plantaciones existentes y áreas previamente cultivadas. El resultado puede muy bien ser una afluencia de cazadores furtivos foráneos y colonos.

La explotación forestal y la exportación maderera es facilitada por el sistema vial. La compañía maderera SESAM (Societé Explotation Forestier Sangha Mbaere) tiene permiso de talado dentro de la reserva.

La firma libanesa Wilshire Corporation ha pedido que se le otorgue derechos de talado en el corazón de la Reserva Forestal Especial Dzanga-Sangha a cambio del establecimiento de una fábrica de cemento cerca de la capital de Bangui.

Tales proyectos son ecológica, económica y legalmente incompatibles con el objetivo de proteger partes importantes de la selva húmeda del Africa Central y amenaza la viabilidad de los pueblos selváticos tradicionales.

Campaña por la selva húmeda africana

Se ha lanzado una campaña por la selva húmeda africana por la ONG africana Environment Network (ANEM) (Red de Trabajo por el Medio Ambiente). El objetivo es promover acciones comunitarias para salvar las selvas africanas.
Por favor contactar a:
Simon Muchiru, ANEM
P.O. Box 53844
Nairobi, KENYA
Fax: 2542 335108. ❑

Canadá:
Erasmus es designado para dirigir Comisión en forma conjunta

El gobierno federal ha nombrado al ex jefe de la Asamblea de Primeras Naciones, George Erasmus, para dirigir una comisión real que va a estudiar asuntos que afectan los pueblos aborígenes de Canadá. Dirigiendo la comisión en forma conjunta con Erasmus, está también René Dussault, un juez de la Corte de Apelaciones de Quebec.

El Jefe Nacional de la Asamblea de las Primeras Naciones, Ovide Mercredi, es optimista en cuanto a que esta comisión »tendrá una fuerte influencia en lo que respecta al cambio de la política del gobierno.« Sin embargo, el Gran Jefe de Quebec, Matthew Coon-Come no es tan optimista.

»No creo necesariamente que el gobierno siga todas las recomendaciones,« dice Coon-Come, »me temo que las pongan otra vez en un cajón para que junten polvo.«

El Primer Ministro, Brian Mulroney ha prometido que la comisión va a actuar de modo diferente. »El objetivo principal es enfrentar literalmente siglos de injusticia. Esto puede constituir el instrumento para cambiar las vidas de un gran número de personas, » dice el Primer Ministro.

Otros cinco comisionados han sido nombrados para la comisión real. Son: Bertha Wilson; retirada de la Suprema Corte; Allan Blakeney, que fue el primer ministro de NDP, de Saskatchewan; Paul Chartrand, un *metis* y profesor de Estudios Nativos de la Universidad de Manitoba; Mary Sillet, presidenta de la Asociación de Mujeres Inuit y Viola Robinson, presidenta del Consejo Nativo de Canadá.

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Autodeterminación aborigen, reivindicación de tierras, el estatus de tratados y justicia indígena son algunos de los muchos asuntos que la comisión tendrá que estudiar. No se ha decidido la fecha del informe final, pero se supone que se necesitan hasta dos años para hacerlo. ❑

Brasil:
Los Yanomami ya tienen reconocido su territorio

Finalmente, el 15 de noviembre pasado, el Presidente de Brasil, Fernando Collor de Mello, anunció que los indios *yanomami* tienen asegurado su territorio de 9,42 millones de hectáreas en el norte del país, en la frontera con Venezuela.

La demarcación de las tierras para los 10.000 *yanomami* que viven en Brasil, debería haber sido firmada el 29 de octubre, pero en esa fecha Collor firmó la regularización de otros 71 procesos de demarcación, dejando para más adelante la cuestión *yanomami*.

Se estima que esta demora se debió a la presión del sector militar, del Ministerio de Educación y los empresarios de Amazonas y Roraima, estados brasileños en que viven los *yanomami*.

El Ejército considera que la creación de un área continua para los *yanomami*, junto a la frontera de Brasil con Venezuela, puede poner en riesgo la soberanía nacional. La teoría militar es que los *yanomami* de Brasil y de Venezuela se podrían unir en el futuro, creando un »país *yanomami*«, independiente del gobierno brasileño. Hay que también tomar en cuenta que en la zona de seguridad propuesta por el ejército, se encuentran las reservas minerales más importantes del Estado de Roraima.

En su discurso del 15 de noviembre, el Presidente Collor respondió a las preocupaciones del Ejército diciendo que la demarcación deja »intacta y reforzada la soberanía nacional«.

La Comisión por la Creación del Parque Yanomami (CCPY), informa que, a pesar del decreto, los sectores militares y las compañías mineras siguen presionando para modificar la decisión presidencial. Por otro lado, la demarcación del área no garantiza su integridad. Diversas áreas indígenas en Brasil, ya demarcadas, están siendo invadidas por buscadores de oro y compañías madereras. El CCPY considera necesario reivindicar del gobierno brasileño la creación de una infraestructura permanente, para la creación y manutención de un sistema adecuado que fiscalice el territorio *yanomami*.

Fuente: CCPY; IPS. ❑

Brasil:
Las amenazas sobre los Enawenê-Nawê

Hasta 1974 el pueblo *enawenê-nawê* era totalmente desconocido para la sociedad brasileña. En esa fecha el jesuita Thomaz de Aquino Lisboa, responsable de la llamada »Misión Anchieta« (OPAN), tomó contacto con ellos, denominándolos erróneamente »salumã«.

Los *enawenê-nawê* pertenecen a la familia lingüística *aruak*, estando localizados en la región noroeste del Estado de Mato Grosso. Con una población aproximada de 200 personas, su territorio tradicional abarca las cabeceras de los ríos Jururena, Camararé, Doze de Outubro e Ique, situados en la zona de transición entre la savana brasileña y la selva amazónica.

Desde su contacto, se considera que la »Misión Anchieta« (OPAN) estableció una relación de respeto hacia la cultura tradicional de los *enawenê-nawê*, introduciendo sólo algunas nuevas herramientas y medicinas. Al mismo tiempo, los jesuitas intentaron identificar los límites de sus tierras para elaborar una propuesta de demarcación del habitat de los *enawenê-nawê*.

En 1979 la Fundación Nacional del Indio (FUNAI), creó un primer Grupo de Trabajo (GT), para definir el área indígena. El GT es el primer paso en el proceso administrativo para la demarcación de tierras indígenas, en el sentido de establecer las garantías legales para su reconocimiento físico y jurídico. Tras la propuesta del Grupo de Trabajo, un grupo interministerial aprueba la demarcación para que luego el Presidente de la República proceda a la homologación del territorio. Este primer GT, seguido de otros dos en 1981 y 1984, reconoció el habitat de los *enawenê-nawê*, identificando un área total de 750 mil hectáreas, territorio considerado indispensable para su sobrevivencia. Pero el proceso demarcatorio quedó paralizado.

Comienzan los problemas

Muchos son los conflictos que se registran en el área. Hubo intentos de invasión que fueron rechazados con vehemencia por los propios indios. En 1984 un equipo de topógrafos que abría picadas de medición dentro del territorio indígena, en su parte norte, fue sorprendido por los indios, muriendo dos de los topógrafos e hiriendo a otros dos. En julio de 1986, una familia de agricultores que se instaló en la parte oeste del área indígena fue atacada por los *enawenê-nawê*. Un año más tarde, el jesuita Vicente Cañas, de la OPAN fue asesinado. Hasta hoy la Justicia no esclareció el crimen, a pesar que todo indica que los responsables sean los latifundistas de la zona que codiciaban la tierra indígena.

Tras el asesinato de Vicente Cañas, se estableció el cierre del área como medida preventiva. De todos modos, continuaron los intentos de invasión del área.

La Autodemarcación

Tras los graves problemas de invasión de tierras, los *enawenê-nawê*, comenzaron su propia demarcación de tierras. Los límites del área son, a veces, ríos o riachuelos pero también líneas sobre terreno, a menudo selva o matorral cerrado. Esto significa grandes desplazamientos donde hay que colocar las placas demarcatorias y abrir nuevos caminos. Para esto la OPAN cumple un importante papel, consiguiendo la ayuda financiera necesaria para efectuar la autodemarcación.

Recientemente, el 13 de septiembre de 1991, se firmó finalmente, la declaración del área indígena *enawenê-nawê*, esperándose ahora que se dé lugar a la homologación definitiva del territorio.

Fuentes: Luis Fernández. 10/91; Claudio Conte (OPAN), 11/91. ❑

América Latina:
Indígenas Reclaman Territorios y Derecho a Participación Política

El 4 de diciembre pasado, representantes indígenas de 17 países de América Latina demandaron en Bolivia la administración de

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los territorios que habitan y el derecho a participar de las decisiones políticas.

Reunidos en el Segundo Congreso Interamericano de Recursos Naturales y Medio Ambiente, en la ciudad boliviana de San Ignacio de Moxos, los indígenas dijeron que corresponde a cada etnia el derecho a resolver sus propios problemas.

El panameño Nicanor González, coordinador de las agrupaciones indígenas del continente, afirmó que el encuentro constituye un paso fundamental para lograr la unidad de los pueblos aborígenes de América.

González dijo que a los pueblos indígenas les corresponde por derecho histórico la posesión de los territorios y la participación política. En tal sentido, criticó la aparición de organizaciones no gubernamentales que, sin respetar el derecho de los pueblos indígenas, captan recursos en nombre de las comunidades pero sin beneficiarlas. Nicanor González estimó que sólo el 20 por ciento de esos recursos llegó a los pueblos indígenas en los últimos diez años.

Por último, González criticó la falta de apoyo de los gobiernos a la organización de las etnias y, al respecto, precisó que los parques nacionales y las áreas protegidas deben ser administradas por los pueblos indígenas.

Fuentes: IPS ❑

Colombia:
Protesta indígena por atentados y detenciones

El 18 de noviembre pasado, unos 2.000 indígenas de la etnia *pijao* que habita el departamento de Tolima, Colombia central, tomaron pacíficamente una vía que conecta con la Capital, en protesta por atentados y detenciones contra sus miembros.

Entre las reivindicaciones están la liberación de 78 indígenas detenidos desde el 12 de noviembre y la solución política y no militar a los conflictos sociales, económicos y políticos de los aborígenes de la región.

La confrontación entre las autoridades departamentales y los *pijao*, tiene su epicentro en el plan de recuperación de 45.000 hectáreas que reclaman como territorio indígena. La tensión llegó a su climax una semana antes cuando la policía desalojó a los indígenas golpeándolos y utilizando gases lacrimógenos. 50 indígenas del municipio de Coyaima, fueron detenidos y encarcelados.

Edgar Alape, portavoz indígena de Tolima, censuró las condiciones en la que se encuentran los detenidos. También agregó que »aunque el hostigamiento contra los indígenas en Colombia data de hace 500 años, en el último recrudeció la violencia«. En lo que va del año, fueron asesinados 15 indígenas.

Fuentes: IPS ❑

Ecuador:
El gobierno adjudica tierras a comunidades indígenas

El pasado 24 de octubre, el gobierno de Ecuador entregó a comunidades indígenas de la Amazonía y a un grupo de pobladores negros de la costa, títulos de propiedad que legalizan la tenencia de la tierra en una superficie de 146.639 hectáreas.

Los títulos fueron entregados a varias familias indígenas de las tribus *shuaras* y *quichuas* de la Amazonía y a un reducido grupo de descendientes de africanos de la provincia costera de Esmeraldas.

Con la adjudicación, el gobierno completó la entrega de dos millones de hectáreas a diferentes grupos étnicos de Ecuador desde que Rodrigo Borja asumió la presidencia en agosto de 1988.

De todos modos, la Confederación de Naciones Indígenas afirmó que la entrega de territorios es mínima frente a las demandas de las etnias.

La población indígena de Ecuador, distribuida en nueve etnias asentadas en la sierra, la costa y la Amazonía, representa entre el 30 y el 40% de los diez millones de ecuatorianos.

Fuentes: IPS ❑

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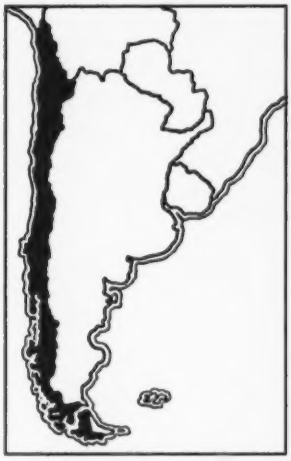
Chile:

La Corte Suprema ordena la expulsión de los Pehuenches

Por: Vicente Mariqueo Q.



Chile, América del Sur

A comienzo del año pasado el *pehuen (pino araucaria)*, fue declarado Monumento Natural, mediante un decreto presidencial. Así se da un significativo paso hacia la solución de un problema que afecta a los hermanos *pehuenches*, significa también que esa amplia extensión andina queda protegida por un Decreto Supremo. Pero detrás de todo esto hay una larga y penosa historia.

Durante la guerra, conocida como la »Pacificación de la Araucania«, parte del pueblo *mapuche* se vio forzado a poblar esas alturas, así, en 1880 se establece la Comunidad de Quinquen y muchas otras, habiendo abandonado los fértiles valles de Malleco o Cautin ocupado por los invasores de entonces. Veintiocho años después, Guillermo Schweitzer, propietario del fundo »El Porvenir de Lolen«, se establece a veinte millas del Valle de Quinquen. Schweitzer pidió permiso al Lonko Manuel Melinir para pastorear sus ganados en época de verano a cambio de un pago por temporada. El compromiso se cumple por diez años. Posteriormente el mencionado latifundista se niega a continuar con lo acordado comunicándole a los comuneros de Quinquen que él es dueño del Valle, que se lo había comprado al Estado Chileno, luego agrega que los *pehuenches* pueden seguir viviendo ahí sin problema y que él continuaría pastoreando sus ganados sólo en época de verano. En 1920 Guillermo Schweitzer hipotecó el Valle de Quinquen en la Caja Agraria a cambio de un préstamo que nunca pagó.

Posteriormente, en 1936, la Caja Agraria procede a rematar las propiedades confiscadas, el Fundo Quinquen fue adjudicado por Agustín Lamoliatt, quien también manifiesta a los *pehuenches* del Valle que pueden seguir viviendo sin problema.

En 1946, la Sociedad Lamoliatt Lledo, instala dos aserraderos en el lugar, dando así comienzo a la explotación de las riquezas forestales que cubren por milenios enormes superficies andinas. La tala del *pehuen*, creaba una angustiosa situación a los comuneros indígenas de Quinquen, árbol que le proporciona su dieta alimenticia. El *ngillio* o piñones, fruto del pehuen, tiene variados usos en la alimentación de los *pehuenches*, la mala calidad de los suelos, las inclemencias del tiempo, los malos caminos y las enormes distancias que les separa de los centros poblados, agrava aún mas la situación de estos hermanos. Sin embargo, ahí comienza todo un episodio, traducido en una lucha heroica en defensa de la capa verde que cubre el planeta. Años después, visité esas alturas. En dos ocasiones fui a recolectar ngillio formando parte de una expedición de cuatro familias desde Cancan, comunidad *mapuche* de la precordillera andina.

La primera vez fuimos a las orillas del lago Icalma, ahí pedimos permiso a la familia Pitriqueo, entonces era un niño. Recuerdo esos paisajes como algo muy importante, el contemplar tantas bellezas, fue un encuentro de extraordinaria magnitud en relación al fuerte vínculo del *mapuche* y la naturaleza. Para la cosecha de ngillio se necesitan muchas manos. Los niños son los más entusiastas y eficaces para escalar los árboles y recoger los ngillios. Nos encontramos con niños del valle central, de la precordillera y los *pehuenches* de esas alturas. Fue para nosotros toda una novedad ver a los jóvenes *pehuenches*, con qué rapidez escalaban los árboles tomados de un lazo que unía en espiral las copas de los árboles al suelo y con una garrocha larga, apenas tocaban las cabezas ya maduras del fruto, caían al suelo lluvias de ngillio. Nuestra labor era recoger los piñones y llenar los sacos, cada árbol nos proporcionaba unos doscientos kilos de ngillio, hasta que completamos tres carros de piñones, para luego preparar el retorno a nuestras comunidades.

No todo era recoger piñones, era también una oportunidad de conocer la vida de esos sufridos hermanos, al incursionar algo más al interior nos encontramos al lado del hermoso lago Galletue, ahí había mucho ganado, tanto que nunca antes me lo había imaginado. Conversé en *mapuche* con unos niños *pehuenches* de apellido Romero, y les hablé de mis impresiones de ver tanto ganado, así me respondieron: »Nosotros cuidamos estos ganados que pertenecen a Lamoliatt, ese rico es dueño de toda esta veraneada.« Más allá flameaba una bandera, era la chilena, al pie del retén de carabineros de Liucura, cerca de ese lugar me encontré con otros *pehuenches* de apellido Huillicales, quienes vivían ya muy cerca del límite con la república Argentina. Recuerdo que habían enormes cantidades de caballares, por suerte esos animales pertenecían a los propios *pehuenches*. Posteriormente fuimos nuevamente a piñonear, esta vez lo hicimos a un lugar más cercano, a unos 35 kilómetros de Cancan, al cerro Chene, entonces nuestra expedición era mucho mas representativa que la anterior, formaban parte de ella comuneros *mapuches* de varias regiones Cancan; Trompulo, Lulul Mahuida e inclusive un *lafquenche*. Contemplaba con mucha atención todos los acontecimientos más relevantes durante el trayecto. Lo desagradable fue que al entrar hacia las alturas del Chene, nos encontramos con la odiosa

presencia *huinca*, un empresario dueño de aserradero a quién había que pedirle permiso para pasar, aparte de ese mal rato todo fue alegría, especialmente para los niños.

Estas vivencias estaban muy frescas en mi memoria, cuando a mediados de los años cincuenta, los periódicos de la región, informaron que en las cordilleras había un conflicto entre empresarios de la madera y los *pehuenches*, que la tala de los bosques se habían hecho extensiva hasta la región de los *pehuenches*. Naturalmente que en esa época, el poder empresarial era absolutamente dominante, los madereros eran dioses de esa inmensa región andina. Sin embargo, las ambiciones de los colonizadores se ven frustradas ante la tenaz oposición de los *pehuenches*, quienes organizan la defensa de los bosques naturales, y en especial el pehuen, árbol milenario, que les provee de unos de sus alimentos básicos. La noticia causó mucho dolor allá en Lulul Mahuida, lugar que fue el mundo de mi niñez. El problema fue creando un malestar general, hasta que se hizo extensivo a toda la región de la Araucania. La solidaridad *mapuche* fue total. La presión fue tal que se hizo sentir en todas las esferas de la administración pública del Estado. Hubieron factores que fueron tal vez determinantes para que la disputa planteada tomara un giro a favor de los hermanos *pehuenches*:

- La Corporación Araucana, poderosa organización *mapuche* de esa época, logra importantes victorias electorales, eligen a dos diputados en 1953, más una buena cantidad de regidores,

- El General Carlos Ibáñez del Campo, Presidente de Chile (1952–58) incorpora a su Gabinete como Ministro de Estado a don Venancio Conuepan, presidente de la Corporación Araucana.

Finalmente el conflicto queda temporariamente resuelto a favor de los *pehuenches*, gracias a la directa participación de don Venancio Conuepan. Con referencia a este caso, calza perfectamente bien el dicho popular tan frecuente en nuestro medio, que dice »todo tiene su precio«. Don Carlos Huaiquinir en una de sus crónicas escribe: »Pero los empresarios de la madera no se quedaron con sus manos atadas después de su derrota, se las arreglaron a nivel político, ya que casi de inmediato, don Venancio Conuepan fue destituido de sus altas funciones como Ministro de Tierra y Colonización.« Así termina un episodio que fuera vastamente conocido, fue la primera vez que oí hablar de sus luchas, personalmente creía que el problema se había solucionado para siempre. Pero, como para nadie es un misterio, habían trampas por medio, de ahí que el problema aún no se soluciona.

En los últimos años, se han venido conociendo mayores evidencias de la prolongada y silenciosa lucha de los hermanos *pehuenches*, han salido a la luz pública, hechos totalmente desconocidos, traducidos a tratos crueles e inhumanos. Así lo revelan los propios comuneros del Valle de Quinquen.

»En 1964, la comunidad de Quinquen, fue reprimida violentamente debido a las presiones de un maderero de apellido Fahrenkrog Butendiek. Este envió a un numeroso contingente de carabineros para reducir a los indígenas y así lograr erradicarlos. – Nos llevaron presos con cadenas y cuando pasábamos el lago Galletue, a mi y a otros nos lanzaban a patadas al agua, metiéndonos las cabezas hasta casi ahogarnos. A otros los encadenaron en los pehuenes, colgándoles. Muchos *pehuenches* quedaron gravemente heridos, uno quedó paralítico para siempre. Fue el relato de los Melinir.« (Apsi 310, 26.07.1989).

Lamentablemente, casos tan graves como éste, no fueron conocidos, personalmente no lo escuché. En esa época hubo factores desfavorables para nosotros, el pueblo *mapuche* se encontraba fragmentado en varias organizaciones, muchas de ellas dependientes de los partidos políticos de la época, era todo un desastre. Situación que se prolongara por muchos años.

En 1987, el Ministro de Agricultura de la dictadura del General Augusto Pinochet (1973/90), dicta el decreto 141 que autoriza la explotación de los pinos araucarios. Creando así nuevamente el conflicto con los *pehuenches*, verdaderos dueños de esos bosques naturales, con el agravante que había por medio un régimen autoritario, que difícilmente pondría oído a las demandas indígenas. La fuerza del pehuén, árbol de prolongada edad, necesita más de quinientos años para alcanzar su desarrollo pleno y producir el ngillio, mas los hombres que han asumido su defensa, se han visto fortalecidos con la solidaridad del mundo de hoy, ecologistas e importantes sectores sociales y políticos apoyan la justa lucha de estos hermanos. Si terminan con los pehuenes, es quitarles la vida a los *pehuenches*, es el árbol que está presente en las oraciones del indio, así como las montañas, volcanes y lagos, todo lo más representativo de la naturaleza son verdaderos altares para el *mapuche* andino. El Pehuen es un árbol tan asociado a los hombres que pueblan esas regiones, así lo indica el nombre mismo: *pehuen* y *che* = *gente de los Pehuenes*.

Terminando con el pehuen, los *pehuenches* se verían forzados a abandonar toda ese enorme región cordillerana, que cuenta con un potencial económico y turístico de incalculable magnitud. Es una política similar a la practicada por los invasores ingleses en Norteamérica, quienes mataban a los búfalos, fuente de alimentación básica de los hermanos indios que poblaban esas ricas regiones. Pero ahora ya estamos a las puertas del siglo XXI, ya es demasiado tarde para aquellos que quieren imponer su voluntad a cuesta del sacrificio de pueblos enteros. Los hermanos *pehuenche*, pese a la represión dictatorial, fueron capaces de hacerse oír, viajes a Temuco y Santiago fueron innumerables, gastos de dinero por pagos de honorarios y papeleos fueron cuantiosos en relación a sus escasísimos ingresos. Si bien es cierto que algo importante se ha logrado en los primeros trámites de su defensa, la solidaridad de todas las organizaciones *mapuches* y de amplios sectores políticos y sociales de Chile y la oportuna acción del Gobierno de la transición de la Democracia, al dictar el Decreto que protege al pehuen, declarándole monumento natural. El problema se detiene temporariamente y los hermanos siguen en la incertidumbre.

¿Qué deciden los tribunales de justicia ante un hecho que atenta la vida de ese pueblo? Para los casos que se ventilan en los tribunales de justicia, existe una constante que se repite reiteradamente, siempre los grandes perdedores somos los indios. Es lo que ha ocurrido con nuestros hermanos *pehuenches*.

»Después de un juicio que duró cinco años, la Corte Suprema falló en contra de los *pehuenches* y ordenó la restitución del fundo Quinquen a los que ostentan los títulos. De inmediato éstos obtuvieron la orden de expulsión de la comunidad de los *melinir*, uno de los últimos pueblos indígenas de la cordillera austral«. (Fortín Mapocho. 19.10.1990).

Es triste tener que seguir presenciando tantas injusticias, todas bien protegidas o amparadas por leyes impuestas por los dominadores, con el agravante que la saliente dictadura militar, suprimió el Instituto de Desarrollo Indígena creado en 1972 bajo la ley Indígena 17.729. Organismo de Gobierno que proporcionaba asistencia legal gratuita a los comuneros *mapuches*. En el Congreso Nacional de las Poblaciones Indígenas de Chile, celebrado en Temuco en enero último, al cual tuve el honor de participar en representación del Comité Exterior Mapuche de Europa. Fue un evento importante para conocer de cerca la grave situación que viven esos hermanos. En relación al mismo,

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el Ministro Enrique Correa manifestó que los *pehuenches* no serán lanzados del Valle de Quinquen y que el Gobierno tomara todas las medidas administrativas y políticas para solucionar el problema a favor de los *pehuenches*. Mientras que los dirigentes de la mesa del Congreso denunciaron que a fines de diciembre de 1990, el Intendente de la Provincia de Cautin, había enviado 150 carabineros para expulsar a los *pehuenches* de sus legítimas tierras, todo es amenaza. El problema continúa sin solución y la ejecución de la sentencia judicial es casi un hecho. Consultado a los dirigentes nacionales de diversas organizaciones *mapuches*, todas coinciden en señalar que el desalojo no se ha llevado a efecto, solo porque las cordilleras aún permanecen nevadas.

La justa lucha de los hermanos *pehuenches*, ha sido vastamente conocida y apoyada por amplios sectores, se han realizado marchas en Santiago y en Temuco, pero el fallo de la Corte Suprema está vigente. Sin embargo, el caso ha ido evolucionando, aunque con bastante lentitud, pero ya se ven asomos de solución, es que el Gobierno envía un anteproyecto de Ley para expropiar el Valle de Quinquen. Ahí hay otro problema, es que el actual Gobierno de transición a la democracia, no cuenta con mayoría en el Congreso Nacional. Pero sí hay esperanza.

En marzo último Patricio Aylwin se reunió con la comunidad de chilenos en Londres, en la que manifestó que varias de sus enmiendas están siendo acogidas favorablemente en el Congreso Nacional. Veremos ahora cual será la actitud de los partidos políticos que tienen representación parlamentaria. En el caso del Congreso Nacional chileno, hay toda una historia, ellos al igual que los otros poderes del Estado, siempre han legislado en favor de la dominación, sin importarles para nada el sagrado derecho a la tierra del hombre a raíces precolombinas. Pues, hay toda una expectativa de amplios sectores de la comunidad nacional, hermanos indios y amigos solidarios de todo el mundo.

Algunas palabras mapuches:

pehuen	= pino araucaria
pehuenche	= subgrupo mapuche, habitantes de la región de pehuenes o (mapuche andino)
ngillio	= piñones
huinca	= no mapuche
lafquenche	= subgrupo, habitantes de la costa del Pacífico o costeño.

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Los indios Miskito de Nicaragua

¿El primer grupo étnico en obtener autonomía en América Central?

Por: Hanne Bach

Nicaragua, América Central

Introducción

Nunca se ha realizado un informe demográfico y estadístico completo sobre la Costa Atlántica de Nicaragua y las estadísticas existentes están viciadas de errores. Se supone que la población de la Costa Atlántica alcanza los 300.000 habitantes, esto es menos que el 10% de la población total de Nicaragua. La migración hacia las ciudades ha aumentado en el último decenio y aproximadamente el 50% vive en áreas urbanas. Las cifras oficiales establecen que aproximadamente 54.000 personas, o el 18% de la población, son indios *miskito*, mientras que otras fuentes calculan que los indios *miskito* alcanzan al menos las 120.000 personas o el 40%. La zona está dividida en dos regiones. RAAN (Región Autónoma Atlántico Norte, que antes se llamaba Zelaya Norte o Zona Especial I) y RAAS, (Región Autónoma Atlántico Sur, que antes se llamaba Zelaya Sur o Zona Especial II).

Los indios *miskito* son una minoría étnica en Nicaragua, que puebla grandes áreas de la Costa Atlántica. Históricamente la Costa Atlántica ha tenido un desarrollo colonial y capitalista que se diferencia mucho de la Costa Pacífica en los aspectos económicos, políticos, sociales y culturales. El contacto entre las dos partes de Nicaragua ha sido muy escaso hasta que la Revolución sandinista de 1979 llevó consigo muchos cambios a la Costa Atlántica. Este artículo enfoca sobre los indios *miskito*, sobre su historia y las consecuencias de la presencia sandinista después de 1979. El proceso de autonomía y su importancia para los *miskito* se discute en relación al presente gobierno de UNO dentro del contexto de las dificultades económicas de Nicaragua y programas de cambio estructural.

Antecedentes históricos de los indios miskito

Los indios *miskito* poblaban originalmente la costa caribe de Costa Rica, Nicaragua y Honduras. Ya en la era precolonial y particularmente después de la llegada de los británicos en el siglo XVI, ejercieron una dominación cultural sobre los indios *suma* y *rama*, llevando a la casi extinción de estos dos grupos. Durante el siglo XVI, los piratas y los comerciantes ingleses asolaron la Costa Atlántica y el primer poblado inglés fue establecido en 1633. Tradicionalmente, la cultura *miskito* es abierta y enfocada al comercio y al cabo de poco tiempo formaron una alianza con los ingleses con el propósito de extender su comercio y para tener acceso a las armas de fuego. Desde 1648 y casi 200 años en adelante, los *miskito* tomaron el partido de los ingleses en su guerra contra los españoles. La población *miskito* fue mezclada con europeos y esclavos africanos y asimilaron varios elementos de su cultura.

Otro grupo muy grande en la Costa Atlántica son los *criollos*, que son descendientes de los esclavos africanos, traídos al Caribe por los colonizadores ingleses. Después de 1833 cuando Inglaterra abolió la esclavitud, los británicos en la Costa Atlántica tendieron a emplear *criollos* que hablaban inglés en los empleos de alto rango como administradores y criados, mientras que los *miskito* servían solamente como mano de obra en las minas y plantaciones. Con esta división de trabajo empezó el proceso de diferenciación social de los dos grupos étnicos; una diferenciación que hasta hoy día es una gran parte del problema *miskito* en la Costa Este de Nicaragua.

En 1895, la Costa Atlántica fue incorporada a Nicaragua gracias al General Zelaya, pero la diferencia determinada culturalmente entre el este y el oeste, continuó existiendo. La integración real de la Costa Atlántica con la parte occidental de Nicaragua no sería iniciada hasta después de 100 años. A principios del siglo XX, los británicos la pusieron a disposición de compañías transnacionales de los Estados Unidos para que explotaran los recursos naturales de la Costa Atlántica mediante plantaciones, explotación forestal y minería. El hecho que los Estados Unidos alzaron a Somoza al poder en 1933, no cambió nada. El régimen de Somoza no interfirió con las compañías americanas en la costa oriental. La economía era dominada por unas pocas corporaciones muy grandes, mientras la población local seguía viviendo de la agricultura de subsistencia y comercio en pequeña escala. La mano de obra asalariada fue introducida

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en mayor grado que antes, pero la mayor parte de los indios *miskito* igual tenían que sobrevivir de la agricultura y la pesca tradicional.

Hoy día se puede dividir la población *miskito* en varios grupos. La mayoría de los *miskito* vive en las [illegible]vas lluviosas a lo largo de los ríos en la región del noreste. Un pequeño grupo se ha establecido en una región que está más hacia el sur, alrededor de las desembocadura del Río Grande de Matagalpa, y en algunos pueblos alrededor de la laguna Pearl. El tercer grupo son los *miskito* costeros, que sobreviven sobre todo en base al comercio y la pesca marítima.

Los sandinistas llegan a la costa atlántica

Después del 19 de julio de 1979, cuando el FSLN ganó la revolución y derrocó el régimen de Somoza, todo cambió para los indios *miskito*. Hasta esa fecha nunca había habido mucho contacto entre el oeste y el este de Nicaragua, pero entonces los sandinistas llegaron a la costa del este con una ideología revolucionaria y con soluciones a los problemas sociales y económicos. La ideología sandinista antimperialista no significaba nada para una población que no ha vivido la represión de Somoza y no consideraba la presencia de corporaciones como un mal. Muy al contrario; en realidad la mayor parte de los habitantes consideraba que los americanos eran los responsables del relativo bienestar que habían gozado durante muchos años, porque las condiciones de vida han mejorado aparentemente a causa de los artículos de consumo de los Estados Unidos que se hicieron accesibles.

Los sandinistas veían los problemas de Nicaragua como un problema de clases y consideraban a la discriminación racial como algo determinado económicamente. La política sandinista de cambio de las relaciones de clases fracasó en la costa del este porque ignoró el hecho que la población se consideraba como grupos étnicos y no como clases en el sentido marxista de la palabra. Para los *miskito* el problema esencial era el gobierno de Managua dominado por los *mestizos*, que de repente interfirió en sus vidas.

También en otras zonas, los sandinistas fracasaron en reconocer el contexto cultural diferente de la costa este. Desestimaron las organizaciones *miskito* existentes e intentaron sustituirlas con las organizaciones de masas sandinistas. Esta tentativa fue un grave error, porque para los indios *miskito*, cuyas formas tradicionales de organización consistían en consejos del pueblo separados, compuesto de ancianos, las organizaciones sandinistas de masa no eran pertinentes en absoluto y sólo conducían a aumentar la desconfianza que los *miskito* ya sentían por los mestizos. Finalmente, se estableció una organización para los pueblos indígenas. MISURASATA consistía de *miskito, suma, rama* y »sandinistas unidos« y al principio fue formada para representar la Costa Atlántica en el gobierno central.

Los nicaragüenses católicos del oeste tampoco reconocieron la importancia de la Iglesia Protestante de Moravia en la Costa Atlántica. Los primeros misioneros habían llegado en 1849 y habían aumentado continuamente su influencia, no solamente mediante la religión sino también mediante a través de programas para el desarrollo social, como la asistencia sanitaria y escuelas. Muchos líderes eclesiásticos eran miembros de los consejos tribales y de este modo tenían mucha influencia.

Mapa de Nicaragua con Areas pobladas de Miskitos

El conflicto era inevitable

En setiembre de 1981, se verificó la primera confrontación entre manifestantes y las fuerzas de la policía sandinista y varias personas resultaron muertas. Los *criollos*, de mejor formación, no participaron en la primera fase de la restructuración después de la revolución, y manifestaron contra la presencia de consejeros, técnicos, doctores, etc., cubanos. Probablemente, la Iglesia de Moravia inició la manifestación y, con la ayuda de la propaganda anticomunista estadounidense, convenció a una gran parte de los *criollos* de que los cubanos habían tomado las riendas de la revolución.

Bajo el liderazgo de Steadman Fagoth y Brooklyn Rivera, MISURASATA llegó a ser una organización independiente para la oposición y representaba a la población local en la disputa sobre los derechos territoriales. Los sandinistas proclamaron que la tierra pertenecía a una Nicaragua unida, mientras MISURASATA exigía que se respetasen las formas tradicionales de derechos a la tierra. Especialmente los indios *miskito* tenían un interés vital en las disputas sobre la tierra, ya que para los *miskito*, la tierra y su derecho tradicional a ella, son inseparables de la cultura *miskito*. Steadman Fagoth empezó a revindicar tierra para una nación indígena, y al cabo de poco tiempo, los sandinistas consideraron a MISURASATA como un movimiento subversivo. En febrero de 1981, los líderes locales fueron encarcelados, entre ellos estaban Steadman Fagoth y Brooklyn Rivera. Fueron todos excarcelados al cabo de 15 días, con excepción de Fagoth, que fue acusado de tener relaciones con el servicio de inteligencia de Somoza. Después de su excarcelación en mayo de 1981, escapó a Honduras donde formó la organización contrarrevolucionaria MISURA. En Honduras, se juntó con algunos jefes de MISURASATA y un gran número de indios *miskito* y realizaron varios ataques en la región nordeste de Nicaragua.

Los indios *miskito* de la zona, fueron atrapados en el fuego cruzado y después de que los sandinistas declararon el estado de emergencia, el día 14 de diciembre, 10.000 indios fueron trasladados a una zona que está a unos 60 kilómetros hacia el sur. Los *miskito* no querían dejar sus tierras, y las compensaciones en forma de beneficios sociales como electricidad, agua corriente, recursos sanitarios y educación profesional en la nueva colonia no puso fin a las protestas. De este modo, lo que empezó siendo un conflicto étnico de carácter cultural, término mezclado con el conflicto armado con los »contras«. Esto ha creado muchos problemas políticos para los sandinistas ya que los »contras« aprovecharon los reasentamiento para acusarles de genocidio y causó mucho sufrimiento a los indios *miskito* durante el largo proceso de reasentamiento.

Durante los primeros años de dominio sandinista, hubieron algunos cambios positivos. Bajo la presión de grupos étnicos, la enseñanza bilingüe en las escuelas fue permitida y los pueblos indígenas tuvieron el derecho a la educación e información en su

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propio idioma. El español ha sido obligatorio en las escuelas desde que Zelaya reunificó a Nicaragua en 1895, y considerando que la lingüística es una característica importante de la etnicidad, es indudable que el consentimiento del gobierno a esta demanda, ha hecho que el pueblo local tenga menos dudas sobre la política sandinista.

Organizaciones miskito después de 1981

MISURASATA fue disuelta por los sandinistas poco después de la fuga de Fagoth y Rivera a Honduras, pero en 1984 una nueva organización llamada MISATAN fue establecida. Al principio, MISATAN era como MISURASATA al principio: una organización más o menos pro sandinista, que tenía que representar los derechos de los pueblos indígenas dentro del concepto revolucionario. Fagoth y Rivera fundaron la organización llamada MISURA en Honduras en 1981, pero ya en 1982 Brooklyn Rivera abandonó el grupo para establecer su propia organización y le dio el nombre de MISURASATA. MISURASATA se consideraba una organización contrarrevolucionaria moderada y el FSLN finalmente la aceptó como un grupo étnico de resistencia que representaba a un gran número de los indios *miskito*. En 1984 Rivera y el FSLN se pusieron de acuerdo en un alto el fuego no oficial, e iniciaron las negociaciones preliminares sobre autonomía para la Costa del Este. Estas negociaciones fracasaron en mayo de 1985, porque el gobierno sandinista no aceptaba a Rivera como el único representante de todos los grupos indígenas.

1985 fue un punto decisivo de cambio en la política del gobierno de Nicaragua hacia los *miskito*. Los sandinistas empezaron a reconocer sus errores políticos, y fue urgente para ellos poner fin a la guerra. Las organizaciones *miskito* en Honduras comprendieron que la guerra seguramente era más destructiva para la etnicidad *miskito* que la política sandinista. Los desacuerdos políticos internos y la guerra habían separado a muchas familias *miskito* y como la familia es el fundamento de la identidad, redes sociales y supervivencia económica en la cultura *miskito*, la situación era muy grave. En mayo de 1985 un alto el fuego fue firmado entre MISURA y el Gobierno sandinista y como MISATAN se estaba haciendo cada ve más independiente de la política sandinista, exigió el reconocimiento de tanto MISURASATA como MISURA, exhortando a los sandinistas a aceptar todas las organizaciones *miskito* incluyendo las de Honduras como partes en las discusiones sobre autonomía.

La ley de autonomía

Las intensas discusiones sobre autonomía presentaban dos puntos de vista contradictorios. Los *miskitos* radicales han abogado por una ruptura casi total con Nicaragua occidental, una posición muy cercana a los planes anteriores de Fagoth de una nación indígena. El punto de vista opuesto lo tienen sobre todo los sandinistas dogmáticos que están a favor de una integración total social y económica entre el este y el oeste y una centralización política.

Entre 1985 y 1987 una comisión con representantes de varias organizaciones y de todos los grupos étnicos, discutió y negoció los principios para la ley de autonomía, y finalmente en setiembre de 1987 la ley fue aprobada por la Asamblea Nacional. Los puntos principales de la ley de autonomía son:

1. Las autoridades tienen que respetar incondicionalmente los idiomas étnicos y la cultura local.
2. La ley tiene que garantizar el control y la prioridad local sobre el aprovechamiento de los recursos naturales como la tierra, la explotación forestal, la minería y la pesca.
3. Los proyectos de desarrollo deben ser en beneficio de la población local en »un grado justo« por medio de acuerdos entre el consejo regional y el gobierno central en Managua.
4. Las autoridades locales deben ser elegidas directamente. Dos consejos regionales en el norte y en el sur, respectivamente, son compuestos por 45 miembros por períodos de 4 años. Cada consejo regional elige un líder del gobierno local.

La elección para los consejos regionales fue celebrada en febrero de 1990 y los representantes de las minorías étnicas llegaron a obtener la mayoría de los escaños.

Aparentemente, la ley sobre la autonomía cumple con las exigencias de los grupos étnicos de administración autónoma dentro del territorio, y el derecho de gobernarse ellos mismos dentro del estado nicaragüense. En realidad la ley no asegura derechos específicos a la población en la Costa Atlántica, sino más bien los mismos derechos constitucionales que el resto de la población de Nicaragua. En octubre de 1987, las diferentes organizaciones *miskito*, se reunieron en YATAMA con Brooklyn Rivera como líder, y las negociaciones entre YATAMA y el gobierno sandinista sobre la implementación de la autonomía continuó hasta las elecciones de 1990. Los *miskito* consideran la ley como un marco para un proceso hacia la verdadera independencia para las comunidades étnicas. Como lo pronuncia Reinaldo Reyes: »No es una cuestión de aprobar o no aprobar los detalles de la ley. La ley es general y simplemente formaliza nuestro derecho a la autodeterminación. La autonomía será lo que nosotros queramos que sea.« (Ortiz, 1988)

Uno de los defectos más graves de la ley sobre autonomía, es la falta de un sistema jurisdiccional para solucionar desacuerdos. Los consejos regionales son independientes política y económicamente, pero los varios presupuestos tendrán que ser realizados en colaboración con los ministerios nacionales correspondientes. Esto quiere decir que si bien ámbitos como los servicios sanitarios, enseñanza y producción están controlados localmente, no existe ninguna seguridad de asistencia financiera de parte del gobierno.

El gobierno sandinista tomó la iniciativa de la ley sobre la autonomía para asegurar y consolidar la unidad nacional en torno de la revolución y el sandinismo. Si se logra este objetivo, se podría poner fin a la marginalización de los grupos étnicos y socavar la identidad étnica y el nacionalismo étnico. Las características culturales como el idioma y las tradiciones serán respetadas, pero la etnicidad como una forma de resistencia va a desaparecer. Todavía, inherente a la ley sobre autonomía, hay un potencial para la autonomía regional, lo cual excede en mucho lo que los grupos étnicos en otras partes del mundo han logrado.

Después de las elecciones de 1990

Con apoyo de los Estados Unidos, Violeta Chamorro ha sido presentada como la »alternativa democrática« a los sandinistas. La coalición derechista llamada UNO (Unión Nacional Opositora) cubre extensamente diferentes fuerzas, desde la extrema derecha hasta partidos liberales y socialistas. Hasta ahora, perece ser el ala moderada de UNO la que tiene el control, y Chamorro está intentando alcanzar una reconciliación nacional con los sandinistas, a los cuales Chamorro no puede darse el lujo de ignorar porque el FSLN todavía representa el 40% de la población. En su programa electoral UNO promete su apoyo total al proceso de autonomía y plena integración económica y social para la Costa Atlántica, así también como garantías sobre el respeto a su cultura, tradiciones y derechos políticos. No obstante, el cambio de gobierno ha implicado un comienzo bastante diferente de lo que se había esperado en cuanto al proceso de autonomía, porque los sandinistas, que habían sido los impulsores del

Vivienda miskito en la costa oeste de Nicaragua. Foto: Svend Hansen.

proceso, ahora están en la oposición y tienen que esperar la iniciativa de UNO.

La estructura política y administrativa en la Costa Atlántica ha sido caracterizada por una larga serie de contradicciones dentro del primer año después de la elección de 1990. Aunque los consejos de autonomía regional tienen amplia autoridad política, tienen posibilidades muy limitadas de actuación porque les falta recursos económicos y, por lo tanto, nadie toma decisiones vitales. No ha sido elaborado todavía un sistema eficaz de recaudación impositiva y reciben muy poca ayuda económica del gobierno central. El resultado ha sido que las actividades públicas que tienen lugar, se dan a través de cada ministerio (salud pública, transporte, educación etc.), los cuales reciben sus recursos directamente del gobierno central y dan sus informes al gobierno central solamente, sin hacer mucho caso a los consejos regionales. Las relaciones y la colaboración con los alcaldes de los pueblos o los consejos regionales no existen prácticamente y las elecciones municipales todavía no han tenido lugar, dejando a la población local sin influencia real. El gobierno central ha establecido INDERA, un instituto para el desarrollo de las regiones autónomas que se supone emprenderá proyectos en la región con la ayuda de donantes nacionales e internacionales. Hasta ahora, el dinero que se ha invertido en la región, viene de las organizaciones internacionales sin la participación de los consejos regionales que naturalmente consideran que INDERA es un órgano de control para el gobierno central.

La mayoría de los proyectos capitalistas han sido financiados del exterior por los norteamericanos por medio de la Iglesia de Moravia e históricamente los habitantes de los pueblos no han participado directamente en las actividades económicas, y esto ha provocado una tendencia a una menor diferenciación social en los pueblos. Las diferencias socioeconómicas existen entre los pueblos y los grupos étnicos, y tradicionalmente los indios *miskito* ocupan el estatus social más bajo en la sociedad, en la cual la manera más realista de mejorar el estatus económico de un cierto grupo, ha sido basarse en el dinero enviado por parientes en los Estados Unidos. El paternalismo y la dependencia, condicionadas históricamente, ejercidos por la Iglesia de Moravia a través de la organización para el desarrollo social llamada IDSIM y la ayuda internacional en los últimos años, han hecho difícil convencer a los habitantes locales sobre la importancia de empezar a realizar actividades económicas más allá de una economía de subsistencia. Además la guerra y el reasentamiento de los habitantes ha causado la destrucción de pueblos que tradicionalmente han sido organizados. Como la repatriación de los *miskito* refugiados y los ex-contras continúa, se espera que sea posible reconstruir los pueblos *miskito*, pero los consejos separados del pueblo de carácter tradicional tienen poco potencial de ser oídos en las discusiones sobre el proceso de autonomía, y es vital que se inicien otras formas de organización.

Programas de cambios estructurales

El proyecto del gobierno para estabilizar la economía de Nicaragua no es muy distinto de la política del FSLN en el período antes

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de la elección. Las grandes reducciones en el presupuesto del ejército, los nuevos empréstitos de la US-AID (Ayuda de los Estados Unidos para el Desarrollo) y el reanudado comercio con los Estados Unidos no fueron suficientes para resolver la crisis económica y para obtener nuevos empréstitos del FMI. El gobierno ha tenido que realizar programas de cambios estructurales. El plan del gobierno para realizar reformas estructurales consiste en la rápida liberalización y privatización de las actividades económicas. Esto implica una estimulación del sector de la exportación que seguramente tendrá un efecto negativo en la producción agrícola de artículos de subsistencia; reducción del presupuesto estatal mediante ahorros en el sector de la salud pública y educación, y la eliminación de subvenciones y programas de crédito; devaluación para frenar la inflación y el aumento riguroso de los precios de los servicios públicos como agua, electricidad, teléfonos y transporte. La estabilización y normalización de la economía nicaragüense se considera una condición preliminar para poder realizar cualquier reconstrucción y desarrollo del país, pero la exitosa implementación de esta política depende de si las inevitables consecuencias sociales negativas pueden ser reducidas a un nivel que no ponga en peligro el proceso de reconciliación y creen malestar social.

Para paliar las consecuencias sociales del programa de cambios estructurales, recientemente la UNO ha presentado dos documentos de planificación gubernamental para futuras políticas sociales. Uno de ellos es un programa de ayuda social basado en un fondo de emergencia para paliar las peores consecuencias del programa de estabilización. Mediante proyectos a corto plazo pero extensos, el fondo tiene que cubrir ayuda económica y capacitación para los desempleados, programas alimenticios de emergencia y un sistema de crédito para pequeños productores y comerciantes. El segundo documento es un programa nacional para el desarrollo social y la prevención de la pobreza. El programa traza líneas directivas para tentativas a largo plazo en el ámbito social incluyendo enseñanza ampliada, viviendas, salud y cultura. Las condiciones económicas actuales no hacen posible financiar proyectos intensivos en estos sectores mediante el presupuesto del estado, pero se considera el plan en un contexto más amplio de un programa detallado de descentralización y autoadministración comunal en estos ámbitos, atribuyendo mucha importancia a la participación.

¿Un futuro autónomo para los miskito?

El gobierno sandinista y la consiguiente guerra con los contras, ha aparejado muchos cambios sociales, económicos y políticos en la Costa Atlántica. Sus pueblos han sido destrozados y las familias han sido desarraigadas, muchas tierras han quedado improductivas durante muchos años y se ha destruido el fundamento de una economía de subsistencia tradicional, y han tenido que cambiar su manera de hacer política de un sistema casi sin participación, a través de la lucha armada hasta llegar a ser parte de una democracia representativa.

La ley sobre autonomía, por la cual los grupos étnicos han luchado, no es hasta el momento más que palabras en una hoja de papel. Los dos consejos nacionales fueron elegidos en 1990, pero las elecciones locales todavía no han tenido lugar y la línea directiva para la implementación real de la autonomía todavía no ha sido formulada. Han tenido poca influencia en las recientes negociaciones entre el gobierno central y las corporaciones internacionales acerca de los derechos a la explotación forestal en extensas regiones boscosas de la Costa Atlántica. No se han transferido recursos económicos de importancia a los consejos regionales e INDIRA, el instituto gubernamental para el desarrollo regional, solamente ha emprendido proyectos limitados. En gran parte, los proyectos de desarrollo e inversiones son financiados e implementados por medio de la ayuda de los Estados Unidos (US-AID) lo cual les da poca cabida para determinar y participar activamente en su propio desarrollo.

Los miembros de los consejos regionales no han recibido ningún tipo de formación profesional o administrativa y no tienen la capacidad política o los recursos económicos para poder gobernar las regiones de manera eficaz. Se encuentran en un vacío político y económico, y están obligados a pedir ayuda a las agencias internacionales que generalmente exigen una organización y administración específicas, lo que va a influir gravemente en las posibilidades de desarrollo independiente. En RAAN donde la mayoría de los consejos regionales están en manos de YATAMA, la situación no es mejor. Brooklyn Rivera ha aceptado una oferta del gobierno central de ser el Ministro de la Costa Atlántica, una decisión críticamente considerada por muchos. YATAMA está dividida en tres fracciones por lo menos y MISATAN prácticamente no existe. En Puerto Cabeza que es la ciudad principal en la región del norte, la violencia, la criminalidad, las huelgas y el descontento social en general, están al borde de llegar a ser algo incontrolable para el gobierno local.

El desacuerdo dentro de la organización *miskito* YATAMA es desafortunado en un período cuando el marco del proceso de autonomía tendría que ser determinado y va a limitar gravemente su influencia política sobre la política del gobierno central, y lo que es más importante, reduce su poder como grupo étnico con una identidad étnica. Los últimos doce años de influencia política de Nicaragua del Oeste y sandinista han politizado los grupos étnicos pero también los ha dejado en un vacío entre sus formas tradicionales de organización y los desacuerdos políticos partidarios. La ley sobre autonomía tiene un importante potencial para aumentar la autodeterminación y participación en el desarrollo local, pero es probable que sólo sea dentro de un marco autónomo, dónde los *miskito* cuenten con una gran parte de la población, que un proceso de desarrollo que tome en consideración su identidad étnica y cultura podrá ser realizable.

Si se tiene presente la crisis económica general en Nicaragua y los planes de UNO para revitalizar la economía por medio de la descentralización y privatización, es improbable que el proceso de autonomía, si es iniciado, beneficie mayormente a los grupos étnicos. Hasta ahora, la política actual de UNO no ha dado motivo de esperar un restablecimiento y desarrollo rápido, no doloroso, de la Costa Atlántica, – al contrario, va a ser una lucha larga y dura para conseguir los recursos económicos para implementar la autonomía e iniciar un proceso de desarrollo étnico e independiente. En un reciente simposio sobre el proceso de autonomía en Managua, en el cual todos los miembros de los consejos regionales y representantes del gobierno central estuvieron presentes, no se alcanzó a obtener resultados decisivos. Sin embargo, parece que está surgiendo una mayor comprensión y colaboración entre el FSLN, UNO y YATAMA a nivel regional contra el gobierno central. A pesar de todos los errores que los sandinistas hicieron durante los primeros años de la revolución, al menos han dado alta prioridad al desarrollo de la Costa Atlántica durante los últimos 5 o 6 años. Una alianza regional entre el FSLN, YATAMA y miembros locales de UNO podría tender un puente sobre las diferencias entre las varias fracciones de YATAMA y volver a poner las exigencias y la identidad étnica en la agenda política. Sinceramente dudo que los *miskito* tengan la experiencia políti-

ca y el ímpetu para conseguirlo ellos mismos y probablemente una amplia alianza será necesaria para ejercer una presión eficaz sobre el gobierno central para asegurar que tengan lugar serias discusiones sobre el marco de autonomía. Quizás para los *miskito* la mejor posibilidad de conseguir buenos resultados sea a través de la victoria del FSLN en la próxima elección ya que parece que los sandinistas han logrado una comprensión sobre los derechos y la identidad étnica en la Costa Atlántica y seguramente repetirán los fracasos del pasado.

La diferencia cultural y étnica, históricamente determinada, entre el este y el oeste no va a eliminada en los próximos años, quizás nunca, pero no cabe duda de que la cuestión étnica y los indios *miskito* van a jugar un papel importante en el futuro. Hasta entonces, el desarrollo de la Costa Atlántica de Nicaragua es dejado a las organizaciones internacionales de ayuda, mientras que la población en general y especialmente los *miskito* tratan de revivir y reorganizar, espero, una acción coordinada para obtener una autonomía real.

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«Suprimir la coca es acabar con la cultura andina»

Bolivia, América del Sur

Entrevista con José Mirtenbaum

Por: Alejandro Parellada

El antropólogo boliviano José Mirtenbaum ha trabajado en los últimos años sobre el tema de la coca. El 28 de noviembre pasado, en una entrevista que mantuvo con IWGIA en Copenhague, José Minterbaum nos habló de la importancia de la coca para la cultura andina y sobre los riesgos que implica su actual plan de erradicación.

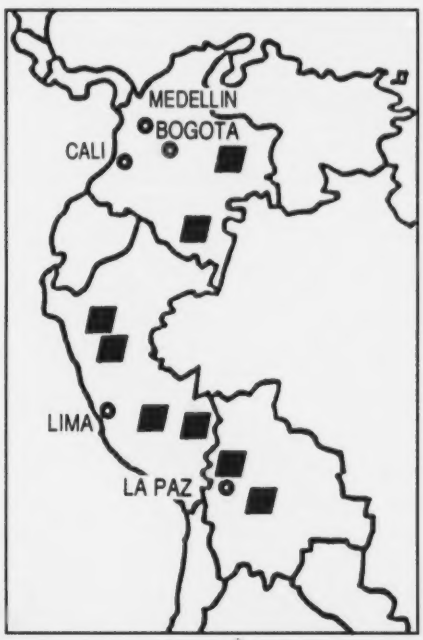
Existe la idea generalizada que la hoja de coca está exclusivamente relacionada con la producción de cocaína al punto que, muchas veces se entiende a la coca como sinónimo de cocaína ¿Podrías aclarar un poco la diferencia entre una y otra?

- La planta de coca ha sido cultivada en los Andes, desde hace unos dos mil años antes de Cristo y desde entonces ha sido utilizada en su estado natural. Es decir que, del arbusto, al consumo humano no existe ninguna mediación química. La cocaína en cambio es sólo un alcaloide de la cocaína. Desde la perspectiva andina, la coca no puede ser desintegrada, es simplemente un absurdo, por que la coca como tal sirve a nivel cultural, a nivel social y a nivel nutritivo.

La coca está vinculada a las labores agrícolas. Labores que tienen que ver, no sólo con el cultivo de la coca, sino con la forma en que se consume la hoja y el efecto que produce.

Se entiende que en una sociedad agrocéntrica como la andina, la labor agrícola es pesada y muy rutinaria y es precisamente la coca que hace que este trabajo no sea tan rutinario. Al ser un estimulante leve, disminuye el cansancio físico.

Areas de Plantacion de Coca en Colombia, Perú y Bolivia



Todo este concepto ha sido trasladado a las minas. La coca y las minas tienen una asociación poscolonial. El minero, siendo de origen andino, ha logrado también reproducir su propia identidad andina a través del uso de la coca. El minero utiliza la coca al iniciar su trabajo en minas que está a más de mil metros de profundidad. El que no *p'jcha* (masca) coca no debe trabajar ese día por que se considera que va a traer mala suerte.

Hay, sin embargo, diferencias de género ya que las mujeres no tienen permitido *p'jchar* tanto como el hombre. Sólo en ocasiones muy particulares las mujeres *p'jchan*, como en su luna de miel, durante el parto (es una especie de acelerador de parto) y cuando se enviudece. También se utiliza al llegar la muerte. Ahí la coca cumple su papel de mediación.

La mediación es quizás el papel más importante de la coca. Mediación entre extremos como la vida y la muerte o el cielo y la tierra. Es que el mundo andino es definitivamente dual. Es decir, estamos tratando con una substancia »lubricativa« de la cultura, una substancia que es facilitadora entre percepciones duales. Por eso la coca es altamente ritualizada. El efecto del ritual es tratar de generar una forma concreta de la ambigüedad de las contradicciones, de la

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Mujeres aymará de Bolivia. Foto: Hanne Jørgensen (INTERPRESS)

vida y la muerte. Y la coca funciona así. Cuando el hombre muere, su ser trascendental tiene que ser llevado con el aliento de la coca. La coca tiene acceso, tanto a las esferas cosmológicas como a las terrenales.

La coca se transforma en un medio facilitador social, en términos de amistades, de parejas, inclusive de enemigos. Una vez más, el rol de la mediación tiene mucha importancia. En este sentido también tenemos que ver el rol medicinal de la coca. Puesta en una herida también es una mediadora entre el dolor y el placer.

La coca se constituye como una especie de instrumento orgánico, un instrumento que tiene mucho que ver con la forma con que uno planifica el tiempo: cultivo, cosecha, es decir todas las labores relacionadas a la agricultura. Esa es una parte. La otra es que el consumo de la coca en el mundo andino tiene mucho que ver con la reproducción cultural misma en el sentido que hay dichos y poemas que cuando un hombre se está muriendo, su alma será llevada al »más allá« con el aliento de la coca. O sea que la coca le va a dar el aliento necesario para trascender a la otra forma de vida, de existencia. Entonces, definitivamente la coca tiene un valor productivo, un valor mágico-religioso y un valor reproductivo cultural.

La coca también es utilizada por los *shamanes* de los Andes, que hacen una lectura de ésta. Muchos de los aspectos de la vida andina, como los casamientos y cosechas dependen de cómo se lea la coca. Nadie va a cultivar sin antes leer las señales de la coca.

Desde el punto de vista químico, la coca tiene 14 alcaloides, vitamina A, B, C, riboflavina, carbohidratos y algo de cafeína. Hay estudios que demuestran que la coca es complementaria al alimento y no un substituto de esto como se pensaba anteriormente. Justamente una de las justificaciones para erradicarla era el hecho que los andinos consumían coca por que no tenían otra cosa que comer, pero esto no es el caso. La coca tiene una función orgánica importante, especialmente para la gente que vive a grandes alturas. Por otro lado, los andinos, por una razón que todavía no se ha estudiado bien, no son buenos receptores de lactosa. Al mascar coca con lejilla y otras substancias se produce una reacción química que permite la absorción del calcio.

La cocaína

El efecto estimulante de la coca está enmarcado en el funcionamiento químico de dos alcaloides, uno es la egonina y el otro la cocaína. Entonces, al hablar de cocaína, nosotros reducimos la hoja de coca a un sólo alcaloide. Toda la química de la coca no ha sido muy bien estudiada y lo único que se ha extraído en forma industrial, ha sido la cocaína. Pero la cocaína tergiversa el efecto de la coca, en el sentido que concentra el efecto de la coca a niveles altísimos. La cocaína es un anestésico local muy eficiente, ha sido por ejemplo utilizada por la cirugía en el siglo XIX y todavía hay odontólogos que la usan. El efecto, entonces, en dósis muy bajas es anestésico, pero a cierta cantidad inhalada se convierte en un fuerte estimulante del sistema nervioso central. Ahora, es evidente que el uso excesivo de la cocaína es peligrosísimo.

Espero haber dejado en claro la diferen-

cia entre la hoja de coca y la cocaína. Quiero recalcar que los patrones de consumo están claramente diferenciados culturalmente.

Cuando hoy se habla de suprimir la coca, se habla de acabar con la cultura andina, por que la representación colectiva de la cultura andina está en el uso y en el símbolo de la coca. Asimismo la cultura andina tiene todo el derecho consetudinario de utilizar su coca.

Tu afirmas que la erradicación del cultivo de coca pone en peligro la sobrevivencia de la cultura andina. Tengo entendido sin embargo, que el Ecuador acabó con las plantaciones de coca sin que ello significase el exterminio de la cultura indígena de esa región.

- En parte es verdad. Pero al mismo tiempo es sorprendente que la coca está siendo nuevamente cultivada en el Ecuador, claro que no siempre por cuestiones culturales por que, de hecho, Ecuador está inserto en la economía política de la cocaína.

De todos modos, la memoria colectiva, a nivel pan-andino, mantiene muy claro el rol de la coca. Representa sus virtudes y -de acuerdo a la cultura occidental- sus vicios, pero en síntesis, la coca es una de las representaciones más importantes de la cultura.
De cualquier manera, se sigue hablando -y hoy más que nunca- de la substitución del cultivo de coca. ¿En que medida es posible la substitución?

- La substitución como tal, es imposible. Económicamente hablando, en las condiciones económicas actuales, el campesino no puede substituir la coca. Bajo las condiciones del mercado actual no hay absolutamente ningún producto alternativo a la coca.

En los últimos años un elemento fundamental en la política norteamericana ha sido la guerra contra los cultivos de coca y la producción de cocaína. Al mismo tiempo el gobierno de los Estados Unidos estableció un plan de ayuda económica para el desarrollo alternativo de la coca. ¿Nos podrías decir algo al respecto?

- Efectivamente, la coca y la cocaína se han transformado en los nuevos enemigos de los norteamericanos. En parte tiene que ver que, con el enorme debilitamiento del comunismo, la coca es la nueva amenaza, el nuevo enemigo. Se han creado asociaciones falsas entre movimientos subversivos y los cultivadores de coca, me refiero al famoso concepto del »narcoterrorismo« que surgió hace más de diez años. La excesiva economía americana vinculada al armamento, hace que sea necesario colocar estas armas en algún tipo de guerra y hoy se llama »guerra contra las drogas«. El problema es que el gran traficante casi nunca es alcanzado ya que se encuentra en los círculos de poder, pero sí el indígena, el campesino, que es castigado por las fuerzas de ocupación norteamericanas.

En cuanto al programa de ayuda económico a que te refieres te puedo decir que en

José Mirtenbaum en las oficinas de IWGIA.

1990 se firmó el acuerdo de Cartagena donde se establece que, hasta 1994 el Presidente Bush va a intentar conseguir 2.2 billones de dólares para la interdicción, substitución y otra serie de actividades relacionadas con la guerra contra las drogas. Si dividimos esta suma en tres países, en cinco años fiscales, resulta que cada país recibiría unos 133 millones de dólares anuales. En el caso de Bolivia; esos 133 millones de dólares tienen que combatir una economía que está produciendo entre 600 y 650 millones de dólares anuales. El desarrollo alternativo requiere en sí una astronómica inversión de capital, que nadie está dispuesto a financiar y que bajo ninguna circunstancia garantiza que la coca y la cocaína desaparezcan de la faz de la tierra. Por eso, el esfuerzo americano en este sentido, es simbólico y creo que no están realmente interesados en solucionar este problema. Mucha gente, incluso en los Estados Unidos, consideran a la actual estrategia como un fracaso total. Por otro lado, dentro de las leyes de la oferta y la demanda, la coca es insustituible en las actuales condiciones del intercambio desigual entre norte y sur.

El gobierno boliviano ha sido sistemáticamente presionado para involucrarse en un ejercicio estructural demasiado grande para sus posibilidades, como es el de reprimir parte de una economía de dimensiones significativas con un monto insignificante de recursos. Sin ninguna capacidad crítica, el gobierno se somete a las presiones norteamericanas para imponer una solución de interdicción generalizada. Como consecuencia de este hecho, la militarización de la sociedad civil en su conjunto se está plasmando paulatina y peligrosamente.

Ya que tu consideras imposible la erradicación de la coca, ¿hasta donde crees que es posible suplantar el uso actual de la producción de coca?

- Yo planteo la posibilidad de substituir el uso de la coca. Parte de este 80–90% que hoy se transforman en cocaína, pueden ser destinados a usos más benéficos, por ejemplo medicinales. Por cierto eso no va a solucionar el problema de la cocaína pero, lo digo claramente, va a sacar del campo a los soldados norteamericanos.

La substitución del uso de la coca y la apertura de mercados legales para la coca, por parte de los europeos por ejemplo, no solucionaría definitivamente el problema de la cocaína a nivel de consumo.

Tomemos el ejemplo de los Estados Unidos. Si el nivel de consumo de la cocaína se redujese de los 20 millones de adictos que existen en la actualidad, a sólo unos 5 millones de consumidores, todavía así la economía de la cocaína sería lo suficientemente rentable para atraer la atención de muchas personas. De la misma manera, si los Estados Unidos forzaran la erradicación de la coca en el Chapare, bajo las actuales condiciones económicas, este cultivo sería trasladado a otra parte de menor riesgo o simplemente el gobierno boliviano tendría que enfrentar una situación de alto contenido de violencia, tal como está ocurriendo en el el valle de Alto Huallaga en Perú. Creo que los países europeos y principalmente los Estados Unidos, deben de discutir muy profundamente este tema y empezar a reconsiderar una visión más sociopolítica, socioeconómica, sociocultural, no sólo hacia las sociedades andinas sino también a las de consumo de la cocaína. ❑

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Timor Oriental: Masacre en el cementerio de Santa Cruz

Timor Oriental, Asia Suroriental

En la mañana del 12 de noviembre, tropas militares abrieron fuego contra tres mil *timoreses*, en su mayoría jóvenes, que habían ido hasta el cementerio de Santa Cruz, en Dili, a depositar flores en la tumba de Sebastián Gomes, el *timorés* que fue muerto a tiros en la Iglesia Motael, el 28 de octubre. Muchos resultaron muertos; una fuente ubica la cifra de muertos en 180 aunque las estimaciones indonesas fueron inicialmente de 50 para luego bajar a 19. Los muertos fueron retirados en su totalidad y el área fue limpiada. Los heridos y los sobrevivientes también fueron retirados en camiones y entre 40 y 300 personas fueron detenidas y se informó de torturas y golpes.

Algunos *timoreses* trataron de llegar al Hotel Turismo donde el Profesor Kooijmans, Informante Especial sobre Torturas de la ONU, estaba residiendo, pero el hotel había sido rodeado por tropas y les fue imposible contactarlo.

Se informó luego que entre 60 y 80 detenidos, testigos de la masacres, fueron fusilados y enterrados en fosas comunes fuera de la ciudad.

Testigos oculares extranjeros, algunos de los cuales fueron golpeados, afirman categóricamente, en forma contraria a las afirmaciones indonesas, que no existió ningún tipo de provocación por parte de los *timoreses*.

Los sucesos del martes 12 de noviembre

Antecedentes

Misa

De acuerdo a la tradición timoresa, 7 días después de la muerte, se celebra una misa y se rinde honor en el cementerio dónde se es enterrado. Esta tradición fue levemente alterada en el caso del joven Sebastián Gomes, quien fue muerto en la Iglesia Motael el 28 de octubre por militares indonesios, ya que la ceremonia recordatoria fue celebrada a los 14 días. También estaban presentes varios extranjeros.

La misa fue celebrada por el Padre Ricardo, el Vicario General de la Diócesis, y el film del periodista británico Chris Wenner, muestra que la mayoría de los presentes eran personas jóvenes, muchos de los cuales se ven recibiendo solemnemente la comunión.

Bob Muntz contó luego que a las 6 de la mañana llegó al servicio religioso. »La misa fue celebrada con toda la dignidad y el decoro que era de esperar – habían unas 2.000 personas. Luego se lanzaron a la calle, munidos de pancartas en portugués e inglés exhortando a Bush a ayudar a Timor Oriental«. Al principio él se encontraba detrás de los principales manifestantes pero durante la mitad de la procesión estuvo muy cerca y »podía afirmar en forma confidencial que no hubieron acciones provocadoras. Un puñado de guardias fuera de un puesto militar, aproximadamente a 30 metros del camino, fueron los únicos militares que se vieron durante el camino de la procesión hasta el cementerio. La gente de la procesión pasó por su lado sin decirles nada. De la misma forma, los guardias no dijeron nada a la gente. La gente siguió su camino pasando la escuela y se detuvo en la puerta del cementerio«. (Bob Muntz, The Age 16/11)

La procesión

Russell Anderson dijo que los marchantes habían abandonado la iglesia Motael después de un servicio religioso de una hora y tenían la intención de caminar cuatro kilómetros, pasando por la residencia del Gobernador de Timor Oriental, Sr. Mario Carrascalão, hasta el cementerio de Santa Cruz, y luego hasta el Hotel New Resende, dónde el Sr. Peter Kooijmans, un delegado de la Comisión de Derechos Humanos de las Naciones Unidas, estaba alojado. (Sunday Territorian, 17/11)

Steve Cox acompañó la procesión, tomando fotografías a lo largo de la ruta. »Cuando comenzamos a caminar aparecieron banderas y pancartas por todos lados. Las sacaban de debajo de sus camisetas y no sé de dónde más. Todo sucedió de una forma completamente espontánea y pacífica. Nadie estaba armado. Se podían oír los incesantes gritos de »viva Xanana«, »viva la independencia«, a la vez que agitaban sus banderas y pancartas llamando a la ayuda internacional.«

»Cuando la multitud pasó un puesto militar o policial, agitaron sus banderas más vigorosamente y gritaron más fuerte. La atmósfera se tornaba más y más intensa. Casi eléctrica. Y, aunque no había ningún movimiento de tropas aparentemente (aparte de algunos soldados dentro de las barracas o aquellos que se acercaron a ver qué era lo que estaba pasando), hubo un momento en que me sorprendí de cuánto odio vi en las miradas cargadas de un soldado que nos acompañaba. Recuerdo ver su dedo casi apretando el gatillo e imaginando, por un instante, la tragedia que podría suceder si abría fuego.«

»Pero la procesión había ya pasado frente al Palacio del Gobernador y la euforia hizo

que la muchedumbre se echara a correr. Yo también corrí, tratando de mantenerme cerca de la primera línea de la procesión. Diría que en total habían unas 6.000 personas. A lo largo del camino se sumaban más personas a la manifestación. Niños y jóvenes en su mayor parte.« (Independence 11/11) Cox recuerda que cuando la procesión pasó por una escuela, unos cuantos niños en el campo de juegos, se lanzaron afuera y se incorporaron a los marchantes. (Norte e Sul, diciembre 1991)

El tiroteo

La llegada

De acuerdo a Russell Anderson, cuando los manifestantes llegaron al cementerio, los militares los encerraron por atrás y comenzaron a bajar tropas de los camiones. »A las ocho formaron una línea y comenzaron a marchar hacia nosotros«.

»La gente comenzó a alejarse de ellos, y entonces los soldados abrieron fuego. Hubo una lluvia de balas, fuego rápido de armas automáticas durante dos o tres minutos mientras que perseguían a los manifestantes. Como la gente escapaba, muchos deben haber sido alcanzados por disparos en la espalda.«

El Sr. Anderson dijo que había visto a dos periodistas norteamericanos, Allan Nairn y Amy Goodman, apenas al sur del grupo de manifestantes, arrinconados contra una pared. Dijo que habían exhortado a un estudiante neocelandés, Kamal Bamadhaj, a que se quedara con ellos, pero el había vuelto a la multitud. »Estaba en la primera línea de manifestantes y no tuvo ninguna chance... Huí por la calles con Bob Muntz.« - Russell Anderson. El Sr. Anderson dijo que había hecho una declaración al Prof. Kooijmans. (Pegasus, E-Mail, 17/11; Sunday Territorian, 17/11)

Bob Muntz dijo que »cuando varios centenares de dolientes habían entrado y varios cientos más presionaban para entrar, el ejército abrió fuego durante dos o tres minutos, recargando sus armas cuando estaban vacías. Quizás fueron hechos unos mil disparos.«

Muntz, con su brazo en cabrestillo a causa de una herida que recibió cuando escapaba, dijo que fueron disparados miles de tiros contra la muchedumbre desarmada. »Puedo afirmar que era un fuego muy intenso... Comencé a correr lo más rápido posible para alejarme de la línea de fuego,« dijo. (Reuters 15/11)

Los informes dados por los dos reporteros norteamericanos, Allan Nairn y Amy Goodman, coinciden con los dados por los testigos australianos y británicos. »Los manifestantes estaban totalmente desprotegidos« dijo Goodman. »No hubo ningún tipo de advertencia. Hasta el último minuto no podía creer que iban a disparar sobre esta muchedumbre – niños de cinco años,« dijo ella. Varias niñas pequeñas se prendieron a ella buscando protección cuando comenzaron los disparos.

Nairn, que estaba al frente del grupo, describió que las tropas marchaban en formación, con rifles M-16 de fabricación americana en posición de fuego, en dirección a la multitud en el cementerio. »Cuando la gente vio ésto trató de retroceder apretujándose. Emergió un pequeño grito sofocado en la muchedumbre. Cuando los soldados dieron vuelta la esquina alzaron sus M-16 y comenzaron a disparar al mismo tiempo hacia la multitud,« dijo Nairn. »Amy y yo estábamos entre los soldados y la muchedumbre porque creíamos que si veían extranjeros con cámaras y grabadores no dispararían. Eso no resultó.« (Reuter 15/11)

El fotógrafo inglés, Stephen Cox, quien habían entrado ya al cementerio y estaba dentro de la cripta sacando fotos de la gente orando cuando comenzaron los disparos, contó que había estado atrapado durante 30 minutos en una cripta en el cementerio de Santa Cruz mientras que las tropas indonesas masacraban a los timoreses orientales afuera. »Estaba en la cripta con docenas de personas, con niños de hasta seis o siete años apilados unos sobre otros, encogiéndose de miedo y repitiendo oraciones una y otra vez« dijo el Sr. Cox. »Cuando los militares se introdujeron al cementerio disparando, la gente se metió en las criptas arrastrándose, desangrándose y muriéndose. Yo estaba acurrucado en la mitad. No podía creer lo que estaba pasando, viendo sangre y carne colgando de la gente mortalmente herida. Todavía no lo logro asimilar.«

»Un soldado indonés vestido en ropas de civil me vio y me gritó: '¿Qué haces aquí, qué haces aquí? ¡Has visto todo!' Traté de responder pero me gritó: 'Cállate la boca. Te salvé.' Como me introdujeron por la fuerza en un camión, puedo confirmar, a partir de la vista limitada que tenía, que vi al menos 60 cadáveres. Los militares los estaban arrastrando de los pies con sus cabezas golpeando contra el suelo y los amontonaban en los camiones. Fui golpeado en el camión y luego arrojado en una comisaría en las afueras de Dili.« (Pegasus, E-Mail; Sunday Territorian 17/11)

Detenciones

Se informa que 249 prisioneros fueron llevados a las barracas generales de Dili inmediatamente después del tiroteo. Algunos de éstos fueron después liberados pero se sabe que muchos están aún detenidos. (Público 25/11)

Acontecimientos posteriores en la ciudad de Dili y otras áreas

Se niega acceso a los familiares

Hubieron refriegas fuera del Hospital General de Dili en la mañana del jueves 14 de noviembre, cuando a los familiares de doce-

Niños de Timor Oriental esgrimiendo banderines del FRETILIN.
Foto: Archivo IWGIA

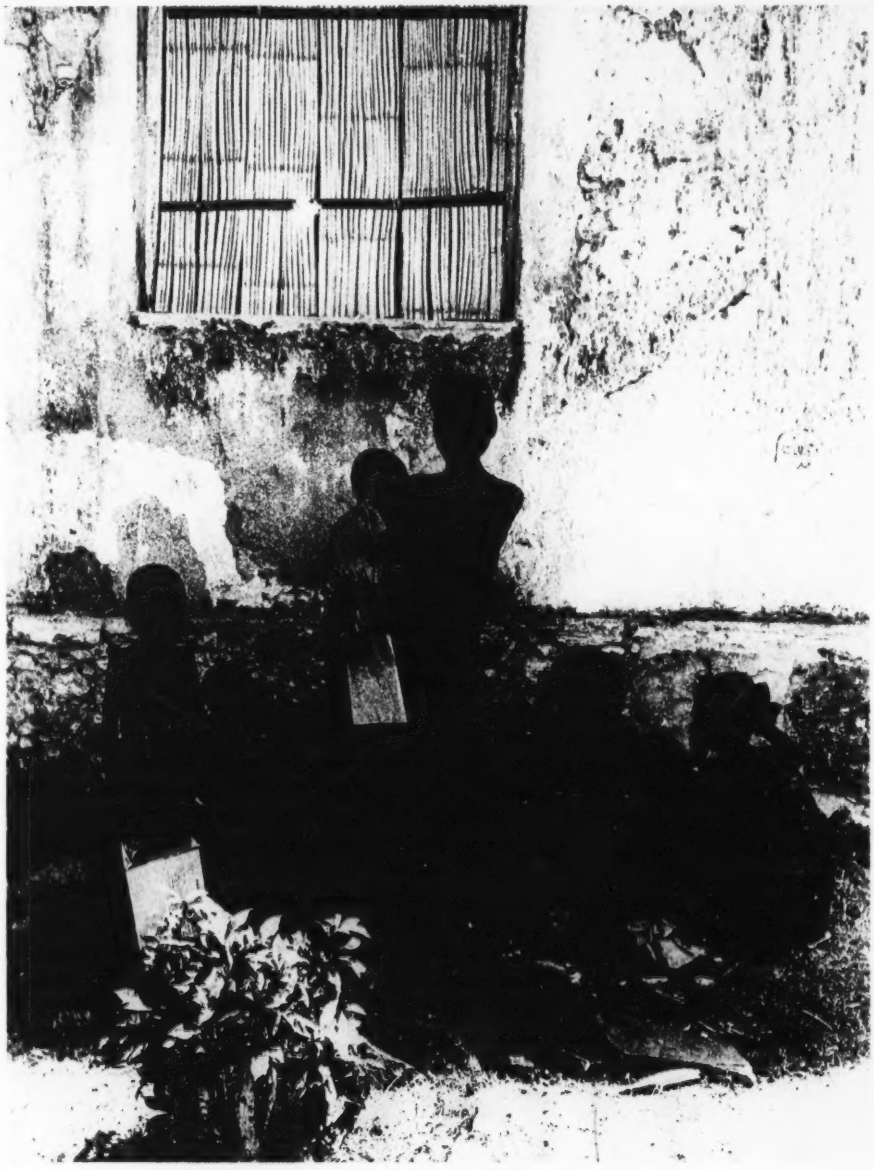
nas de timoreses heridos en el cementerio de Santa Cruz, el martes, se les negó el acceso por parte de dos pelotones de tropas que rodeaban el edificio.

Varios de los heridos habían muerto -una fuente dice que hasta 14- pero nada se puede confirmar por nuestra fuente en Dili ya que los familiares no pueden visitar a los sobrevivientes o llevarse los cuerpos de los muertos para enterrarlos. Se piensa que los cuerpos de todos aquellos que han muerto están siendo enterrados en Taci Tolu, unos 5 kms. al norte de Dili, un lugar frecuentemente usado desde el inicio de la ocupación indonesia, para enterrar las víctimas de las atrocidades.

A partir de las 7 de la tarde hay un toque de queda estricto, pero incluso durante el día, es poca la gente que se aventura afuera. La mayoría de los niños no van a la escuela porque circulan informes de que las tropas están preparando una redada en varias escuelas católicas.

El miedo se apoderó de la ciudad. Se cree que los agentes timoreses que trabajan para el ejército están preparando una redada en la residencia del Obispo Belo, cabeza de la Iglesia Católica. De acuerdo a fuentes de la Iglesia en Lisboa, una elevada cifra de personas han buscado refugio en la residencia del Obispo después de la masacre del martes.

El Obispo ha negado firmemente, en una entrevista con un periodista, las acusaciones del ejército sobre que la Iglesia ha estado organizando manifestaciones. Está virtualmente incomunicado, su teléfono está cortado y no ha recibido ninguna carta, ni siquiera de Yakarta, durante varios meses. (Tapol 14/11)



Familia de la Ciudad de Santa Cruz, Timor Oriental.
Foto: Lena Hellkvist

Tensión en todo Timor Oriental – Arrestos en Ainaro

Varios jóvenes fueron arrestados en Ainaro el 12 de noviembre, el día de la masacre de Santa Cruz en Dili. Hasta ahora, se conoce solamente los nombres de dos de las personas arrestadas: César Araújo, de 24 años, y Hendriki da Costa, de 20 años. Están todavía detenidos en Ainaro Kodim (comando militar del distrito) dónde han sido torturados.

Nuestras fuentes en Timor Oriental informan que la atmósfera en varios distritos es extremadamente tensa a causa del alto nivel de actividades del ejército y la represión. Las dificultades en la comunicación hacen extremadamente difícil conseguir informaciones detalladas sobre los arrestos y atrocidades fuera de Dili.

Nuestro contacto en Dili dijo hoy que los soldados en la ciudad están arrestando a gente en las calles que tienen signos de haber sido heridas. Muchos de los heridos durante la masacre se escaparon del lugar y evitaron ser llevados al hospital, por miedo de ser arrestados.

Los informes circulantes en Australia de que el Obispo Belo ha sido arrestado no son ciertos, pero su residencia está bajo constantes vigilancia y está siendo continuamente amenazado. No está claro cuantas personas están todavía refugiadas en su casa. Por lo menos 257 personas llegaron a su casa buscando protección después de la masacre.

Mientras tanto, estudiantes timoreses en Bali han sido informados en forma privada, que el comando local del ejército tratará de reprimirlos durante el fin de semana. Temen que muchos de ellos serán arrestados. (Tapol 15/11)

El aeropuerto de Dili ha sido cerrado el 20 de noviembre y todas las comunicaciones con la ciudad han sido casi cortadas. Se informa que el Liceo Católico San José está todavía cerrado y la ciudad vive un clima de »miedo y aislamiento total«, sin que nadie pueda caminar libremente por la calle. (Expresso 30/11)

El Obispo Belo

Dili, 14 de noviembre (AFP) – El Obispo Católico Romano Carlos Ximenes Belo, de

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Timor Oriental, dijo el jueves que se dio refugio a 257 jóvenes de Timor Oriental en la oficina del episcopado, poco después que las tropas indonesias dispararon sobre una muchedumbre de dolientes el martes aquí.

Los tiroteos, en los cuales fueron muertas hasta 50 personas, tuvieron lugar en el Cementerio de Santa Cruz durante un servicio en memoria de uno de los dos jóvenes timoreses muertos en circunstancias misteriosas aquí el 28 de octubre.

»El martes de mañana, 257 jóvenes llegaron hasta aquí para pedir refugio, procediendo del cementerio por diferentes caminos,« contó Belo, un nativo de Timor Oriental, a AFP. Dijo que el había acompañado personalmente algunos de ellos de regreso a sus propios hogares, más tarde ese mismo día y durante el miércoles.

Belo dijo que fue al hospital militar local el miércoles y contó 89 jóvenes con heridas de bala o cortantes, o ambas. »En cuanto a la cifra exacta de muertos, no sé,« dijo Belo, agregando que mientras que el ejército sostenía que había 13 muertos otras fuentes, incluyendo testigos, le habían contado que entre 50 y 80 personas murieron en el tiroteo.

Dijo que un mayor del ejército había sido herido durante los enfrentamientos del martes y creía que éso podría haber desatado la furia de los soldados. (AFP, nov. 14)

En una nota pastoral publicada el 14 de noviembre el obispo dijo que cuando la procesión entraba al cementerio, comenzaron los disparos »contra los estudiantes y jóvenes« y agregó que »no se oyeron disparos de advertencia, ni al aire ni al piso«. Hizo hincapié en que ningún clérigo había acompañado la procesión al cementerio.

En cuanto a los muertos, citó a una »fuente fidedigna« que vio a 80 cadáveres apilados en dos camiones y »otros eran puestos en bolsas«. Agregó que »los jóvenes que no habían logrado escapar eran objeto de furiosos castigos: golpes, patadas, culatazos y bayonetazos y algunos eran apuñalados a sangre fría en el pecho, en el vientre«. (Expresso 30/11)

El Gobernador Carrascalão

Lusa informó que el gobernador indonés de Timor Oriental, Mario Carrascalão, ha protestado por la masacre y ha amenazado renunciar a menos que Yakarta tomara drásticas medidas para restaurar la confianza de la población local. Carrascalão, quien es de Timor Oriental, dijo al corresponsal de Lusa en Macao por teléfono, que el vio la procesión funeraria pasar por su oficina antes de que se disparara contra ella.

»No había ninguna razón para abrir fuego,« dijo. »Las autoridades en Yakarta deben descubrir quién está detrás del tiroteo.« Carrascalão dijo que no continuaría como gobernador a menos que el gobierno indonés »resuelva este hecho desgraciado y tome medidas drásticas para restaurar la confianza de la población.«

Dijo que las calles de Dili estaban 'esiertas la noche del miércoles porque »ha. / una situación generalizada de miedo.«

Carrascalão dijo que las autoridades en Yakarta le habían dicho que 13 personas resultaron muertas y 30 seriamente heridas en la masacres del martes, pero que estaba al tanto de que las fuentes eclesiásticas daban una cifra de muertes mucho más alta.

Dijo que una número desconocido de muertos fueron cargados en un camión cubierto después de la masacre y llevados al hospital de Dili. (Lisboa, Lusa, 13/11)

»Estamos todos de duelo porque es gente inocente la que ha muerto,« dijo. Los reales manifestantes no eran más de 1.000, agregó. Las tropas tendrían que haber controlado a la multitud mucho antes de que llegara al cementerio, dijo el gobernador. Acusó al comandante militar local, Brigadier General Rudolf Warouw, de no haber sabido evaluar la amenaza y condenó su estrategia, que ya data de un año, para reprimir la insurgencia en contra de la dominación indonesia sobre los 750.000 habitantes de Timor Oriental. El gobernador atacó el empleo, por parte de las fuerzas de seguridad, de »derechistas« quienes, dijo, frecuentemente hacían uso de sus armas y entrenamiento para solucionar viejas disputas. »Son bandidos y terroristas, la extrema derecha«. (Dili, Reuters, 13/11)

Arrestos en Yakarta

Grandes cantidades de jóvenes timoreses que manifestaban en forma pacífica en Yakarta el 19 de noviembre, fueron detenidos por fuerzas de seguridad. Los protestantes estaban tratando de presentar una declaración a la Oficina de Información de las Naciones Unidas y las embajadas de Japón y Australia. (Amnistía Internacional 21/11)

Tri Sutrismo anunció después que de los 70 timoreses detenidos, 49 habían sido liberados. Se informa que Col Wajiman ha declarado que algunos de los detenidos podrían ser juzgados por crímenes contra la seguridad del estado y subversión, implicando lo último la pena de muerte. (Público 25/11) La televisión indonesia mostró después fotos de estos prisioneros por primera vez. (Público 30/11)

Arrestos en Bali

Se informa que treinta estudiantes timoreses fueron detenidos en la isla de Bali y otros cinco han desaparecido. (Expresso 30/11)

Nuevos fusilamientos

80 prisioneros fusilados el 15 de noviembre

Ochenta prisioneros, en su mayoría jóvenes, fueron fusilados en el distrito de Be-Mussi el 15 de noviembre de 1991. De acuerdo a fuentes fidedignas cuya identidad debe ser protegida por su propia seguridad, los 80 prisioneros fueron cargados en cuatro camiones, de Dili Korem (cuarteles generales del ejército), de Taibesse y de Manleuana (dónde se ha establecido un nuevo centro de detención desde la masacre de Santa Cruz) y llevados a Be-Mussi.

Las tropas forzaron primero a los prisioneros a desnudarse. Sus manos y pies fueron atados y se les puso una venda sobre los ojos. Luego de haber sido cargados sobre los camiones, fueron cubiertos por una gran lona para que nadie pudiera ver qué había dentro de los camiones.

Luego de llegar a Be-Mussi, los prisioneros fueron llevados de los camiones hasta el borde de una fosa recién cavada, y muertos a tiros de varias ráfagas de ametralladoras.

Las tropas que llevaron a cabo esta masacre premeditada, dos días después de la masacre de Santa Cruz, Dili, estaban encapuchados pero se sabe que son de los batallones No. 700 y 744. Estos batallones son de la División Hasanuddin, en el sur de Sulawesi. Los ocupantes han transferido ahora muchos prisioneros a Kupang (Timor Indonés) para esconderlos de las misiones extranjeras que están visitando el territorio actualmente, para impedirles lograr la protección de la Cruz Roja Internacional.

Ha sido confirmado que muchos de los timoreses que han sido asesinados en Santa Cruz eran niños, principalmente alumnos escolares que se dirigían a un turno matutino temprano cuando se unieron a la procesión al dejar ésta la Iglesia Motael, en su camino a la escuela. Sin preparación y confusos por la ferocidad del ataque del ejército, tuvieron más dificultad que los adultos para escapar de los disparos. (Tapol, 17/11; Daily Telegraph 19/11)

17 ejecuciones el domingo 17 y el martes 19

El periodista Anthony Balmain informó que otros 10 timoreses fueron ejecutados en la medianoche del domingo 17 de noviembre, aparentemente porque eran testigos de la matanza de Be-Mussi.

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También informa haber oído de otras ejecuciones, el siguiente martes, de 2 niños y 5 mujeres, que habían estado presentes en las matanzas del domingo. (Público 25/11)

Declaraciones indonesias

Las declaraciones iniciales se referían a que Xanana Gusmão y guerrilleros armados se encontraban entre la gente en el cementerio y citaban una cifra de 50 muertos. Declaraciones posteriores disminuyeron la cifra de muertos y se refirieron a una turba incontrolable que las tropas habían tratado infructuosamente de contener, llevando a la muerte de un mayor indonés. Los tiros fueron también descritos como debidos a un malentendido de una orden dada por un joven oficial.

Habitante de Timor Oriental. Foto: Archivo IWGIA.

El General Try Sutrismo no se arrepintió, pero el Mayor-General Sintong Panjaitan y Ali Alatas expresaron más tarde sus pesares.

Testigos contradicen los alegatos de Yakarta

»Puedo afirmar categóricamente que los alegatos de las fuerzas militares indonesias no son nada más que mentiras para cubrir la más monstruosa atrocidad perpetrada contra el pueblo de Timor Oriental durante muchos años,« dijo Muntz. Muntz, quien trabaja para la organización caritativa Community Aid Abroad, dijo que él acompañó a la procesión en su camino al cementerio en Dili, para honrar la muerte de un simpatizante de la independencia dos semanas antes. Dijo que los informes del ejército indonés de que los dolientes lanzaron un disparo o tiraron una granada a los soldados, no eran ciertos. – Bob Muntz (Reuters 15/11).

Allan Nairn, que trabaja para la revista The New Yorker, y Amy Goodman, de la estación neoyorquina WBAI, contradijeron los alegatos de oficiales indonesios de que las tropas fueron provocadas a disparar el martes por parte de guerrilleros timoreses armados. Los dos periodistas dijeron en una conferencia de prensa que vieron cientos de efectivos militares disparar sin ninguna provocación sobre los manifestantes desarmados, incluyendo niños y ancianos. »Fue un caso de masacre planificada y sistemática... Esta fue una operación muy disciplinada. No fue una situación donde había algunos exaltados que se enloquecieron,« dijo Nairn. (Reuters 15/11)

Reacción internacional

Ramos-Horta plantea embargo de armas

París, 14 de nov., Reuter – La oposición de Timor Oriental exhortó a los Estados Unidos y a la Comunidad Europea, el jueves, la imposición de un embargo de armas a Indonesia a consecuencia de la masacre de participantes de la procesión de duelo, en un cementerio en el territorio en disputa.

Un vocero de la oposición, José Ramos-Horta dijo en una conferencia de prensa en París que el Fretilin, alianza de grupos guerrilleros y civiles clandestinos opuesto a la anexión de Timor Oriental por Indonesia, quería que el Consejo de Seguridad de la ONU se reuniera en forma inmediata.

Dijo que tropas indonesias mataron al menos 100 personas en Dili el martes y la cifra de muertos podría aumentar a 120 o 150 porque algunos de los heridos estaban en una condición crítica.

El ejército dijo que 19 personas habían sido muertas y 91 heridas en el cementerio de Santa Cruz durante el funeral de un activista independentista. Algunos testigos ubican el número de muertos en más de 50.

»Tengo la esperanza de que la Comunidad Europea y los EEUU muestren solidaridad con la postura portuguesa y exijan una reunión inmediata del Consejo de Seguridad de la ONU... y exijan una embargo de armas,« dijo Ramos-Horta. »Sin armamentos de los países occidentales, Indonesia no estará en condiciones de proseguir su guerra contra Timor Oriental.«

Declaración de los doce

El siguiente es el texto completo de la Declaración sobre Timor Oriental adoptada por los Ministros de Relaciones Exteriores de los 12 miembros de la Comunidad Europea en Noorsdvijk, Bruselas, el 13 de noviembre de 1991:

La Comunidad Europea y sus estados miembros están gravemente preocupados por los informes de que el 12 de noviembre miembros de las fuerzas armadas de Indonesia en Dili abrieron fuego sobre un grupo de manifestantes, matando e hiriendo a un número considerable de personas.

La Comunidad Europea y sus estados miembros condenan vehementemente tal violencia, la cual está en clara contravención de los más fundamentales derechos humanos.

La Comunidad Europea y sus estados miembros obtendrán más información sobre las circunstancias en torno a este incidente lo más pronto posible, si es posible de fuentes independientes.

La Comunidad Europea y sus estados miembros exhortan al Gobierno de Indonesia a que asegure que los miembros de las fuerzas armadas y de la policía de Indonesia en Timor Oriental, se abstengan inmediatamente del uso de la violencia, y que los miembros de las fuerzas armadas y la policía que fueron responsables de los trágicos resultados de este incidente sean sometidos a juicio.

Exigencia de embargo de armas – Estrasburgo

El Parlamento Europeo en Estrasburgo exhortó a la Comunidad Europea y a las Naciones Unidas a prohibir la venta de armas a Indonesia y llamó a una investigación internacional sobre las matanzas. (Daily Telegraph, 22/11)

Naciones Unidas

14 de nov., Reuter – La investigación de los planes de Indonesia para conducir a la matanza de civiles en Timor Oriental por parte de tropas indonesias debe ser completa y creíble, dijo el jueves un vocero del Secretario General, Javier Pérez de Cuéllar.

Esta fue la tercera vez en tres días que el vocero de la ONU se refirió al incidente del martes. »El secretario general ha visto los informes de prensa de Yakarta indicando que el gobierno de Indonesia tiene intenciones de realizar una investigación de los sucesos ocurridos en Dili,« dijo el vocero de la ONU. »El secretario general piensa que tal investigación debe ser completa y creíble,« agregó. Un funcionario de la Comisión de los Derechos Humanos de la ONU con sede en Ginebra, Peter Kooijmans de Holanda, que estaba casualmente en Dili cuando ocurrieron los fusilamientos, dará al secretario general un informe sobre la información que ha llegado a su poder, si bien no fue un testigo ocular.

Kooijmans ha expresado su preocupación a las autoridades en Yakarta y recibió seguridad de que la »integridad física de aquellos arrestados por las autoridades de Indonesia, es preservada,« agregó el vocero de la ONU.

Kooijmans se reuniría con el Ministro de Relaciones Exteriores de Indonesia, Ali Alatas, el viernes y retornaría a Ginebra el lunes.

Pérez de Cuéllar dijo en una declaración realizada a través de su vocero, el miércoles, que »lamenta profundamente los sucesos que han tenido lugar en Timor Oriental y la pérdida de vidas inocentes y que está profundamente preocupado por lo que ha sucedido.«

Al enterarse de los fusilamientos del martes dijo que »deplora la pérdida de vidas inocentes« y espera que sean tomadas medidas eficaces para evitar cualquier repetición.« (Reuter 14/11)

Conversaciones sobre una visita de una misión de la ONU

Oporto, 30 de nov. – Pérez de Cuéllar dijo a periodistas que tenía intenciones de enviar al Informante Especial de la ONU sobre Ejecuciones Extrajudiciales, un kenyata, a Yakarta a causa de los sucesos en Dili del 12 de noviembre, pero estaba todavía esperando la confirmación de Yakarta. Las fuentes diplomáticas de la capital indonesia dijeron que no tenían conocimiento de tal visita. (RTP TV Portuguesa, 30/11)

El Secretario General de la ONU también confirmó que habían conversaciones con Yakarta con vistas al envío de una misión de observadores a Timor Oriental y que en el presente estaba aguardando una respuesta del Gobierno de Indonesia. (Público 30/11)

Portugal

De acuerdo a un plan filtrado por el »Expresso«, Portugal tiene intenciones de presionar a los Doce, en su próxima reunión en Maastrich, para que apoyen una propuesta portuguesa para que la ONU obligue a Indonesia a sentarse a una mesa de negociaciones con representantes timoreses, sin condiciones previas. También se esforzará para lograr que la Comunidad Europea se ocupe de la cuestión de Timor Oriental. (Expresso 30/11)

Holanda

La Haya, 14 de nov. (AFP) – El Ministro de Relaciones Exteriores holandés, Hans van den Broek, llamó al embajador de Indonesia en Holanda, el jueves, y le expresó la profunda preocupación del gobierno sobre la masacre del martes por parte de tropas indonesias en Timor Oriental, dijo un vocero del Ministerio de Relaciones Exteriores.

Indonesia era anteriormente una colonia holandesa. El Ministerio Holandés para la Cooperación y el Desarrollo anunció un otorgamiento de 250.000 florines (130.000 dólares) a Timor Oriental, un antiguo territorio portugués anexado por Indonesia en 1975. Un vocero dijo que Van den Broek, en una reunión de 30 minutos con el Embajador Bintoro Tjokroamidjojo, apeló al Gobierno de Indonesia a tratar humanamente a los detenidos mantenidos en barracones militares y estaciones de policía después de la matanza de participantes de la procesión de duelo por parte del ejército, durante el funeral de un simpatizante de la resistencia, en la capital de Timor Oriental, Dili.

También pidió que las autoridades de Indonesia dejen tranquilas a las personas hospitalizadas y a aquellas que huyeron a oficinas pertenecientes a organizaciones internacionales de ayuda.

Pidió que se aclarara la masacre que dejó un saldo de 19 muertos, según Indonesia, pero hasta 151 según otras fuentes. (AFP 14/11)

Suspensión de ayuda

Se anunció el 22 de noviembre que todo futuro otorgamiento de ayuda a Indonesia había sido suspendido hasta que los sucesos del 12 de noviembre en Dili fueran clarificados.

En una carta al Parlamento Holandés, un diplomático con antigüedad declaró que había llegado a la conclusión de que la masacre fue una acción deliberada de parte de los militares indonesios, y no un impulso momentáneo. (Público 22/11)

Gran Bretaña

En Gran Bretaña, la Oficina de Asuntos Exteriores y de la Mancomunidad a tenido una reacción moderada. Un vocero admitió que Gran Bretaña se había unido a sus socios de la Comunidad Europea en la condena, pero dijo que cuando el Embajador de Indonesia fue llamado la última semana, Gran Bretaña había expresado su preocupación sin llegar a ser una protesta. (Observer 17/11)

Un editorial en The Times llamó la atención sobre la reciente venta de armas a Indonesia por parte de Gran Bretaña y exhortó a Gran Bretaña a presionar por un referéndum patrocinado por la ONU, en Timor Oriental. (The Times 22/11)

Estados Unidos de América

Washington, 14 de nov. (AFP) – El gobierno de los EEUU defendió su ayuda militar a Indonesia el jueves, que ha sido amenazada por el Congreso, después de que manifestantes fueron muertos en una confrontación con el ejército en Timor Oriental.

»Creemos que un continuo y bien enfocado programa de asistencia militar para Indonesia puede contribuir a la profesionalización del ejército indonés,« dijo el vocero del Departamento de Estado Richard Boucher. Un total de 2,3 millones de dólares han sido presupuestados para asistencia militar para el año fiscal 1991–1992, que comenzó el 1 de octubre. El dinero es sólo para entrenamiento y educación. »Este tipo de programas exponen al entrenado a ideas democráticas y a normas humanitarias« dijo.

Washington, 14 de nov., Reuter – El Departamento de Estado de los EEUU llamó al embajador de Indonesia, el jueves, para exhortar a que aquellos que fueran responsables de la masacre de civiles en Timor Oriental esta semana, sean castigados.

El vocero del Departamento de Estado, Richard Boucher, dijo que el embajador Abdul Rachman Ramly fue emplazado para que Washington pudiera expresar su profunda preocupación sobre las muertes, que según se dice varían en una cifra hasta de 180, el jueves, durante el funeral de un timorés separatista.

»Exhortamos a una rápida y completa investigación, seguida de apropiadas medi-

das disciplinarias de aquellos que hayan hecho uso excesivo de la fuerza según se determine.« dijo Boucher.

»Creemos que nada de lo que haya podido pasar puede justificar una reacción militar de esta magnitud, resultante en una tan grande pérdida de vidas de civiles desarmados.«

Llamamiento a la suspensión de ayuda militar

Washington (15 de nov.), DPA – El presidente del Comité de Relaciones Exteriores del Senado, Clairborne Pell, llamó el viernes a una suspensión de toda ayuda militar de los EEUU a Indonesia como consecuencia de la matanza de hasta 100 personas por tropas del ejército, en Timor Oriental. Entretanto, 223 miembros de la Cámara de Representantes hicieron un llamado al gobierno de los EEUU para que use su influencia para apoyar los derechos humanos en Timor Oriental, un territorio que fue anexado por parte de Indonesia en 1975. (Indonesia Publications 17/11)

Australia

Hawke cambia la política hacia Timor Oriental

(Transcripción de una entrevista con el Primer Ministro Australiano Bob Hawke realizada por un periodista de la ABC, Maxine McHugh en »AM«, 15/11/91):

ABC: Primer Ministro, Ud. ha hecho un llamamiento a que Indonesia se siente en la mesa de negociaciones con Timor Oriental, incluyendo a la resistencia. Creo que aquí está Ud. señalando un cambio en la política. Previamente habíamos dicho que estas cosas eran asuntos internos.

Hawke: Bueno, al final lo serán obviamente. El mundo no va a invadir Indonesia e imponer la voluntad del mundo a Indonesia. Al fin y al cabo es un asunto de Indonesia, pero lo que he tratado de hacer, con un espíritu amistoso y constructivo en este momento de tragedia, es decir, de la manera más amistosa y positiva posible, que los indonesios deben sentarse y pensar dónde están ubicados en relación a Timor Oriental.

Manifestaciones

Sydney, 16 de nov. (AFP) – Cientos de personas se juntaron en la parte central de Sydney el sábado, para realizar una marcha de protesta y una ceremonia en memoria de las víctimas de la masacre por parte de tropas indonesas en Dili, la capital de Timor Oriental. Unos 700 manifestantes gritaban »Paren la masacre« y »Suharto es un carnicero« – una referencia al presidente indonés – cuando marchaban bajo una ligera llovizna hacia el Hyde Park de Sydney. Aquí prendieron velas y las colocaron frente a los retratos de algunos de aquellos que murieron en la masacre de Dili, entre ellos el estudiante de la universidad de Sydney, Kamal Bamadhay. En Adelaide, unas 150 personas participaron en una acción en la oficina de la línea aérea gubernamental indonesia Garuda.

Indonesia

Las organizaciones de derechos humanos reaccionan

Tres organizaciones de derechos humanos de Yakarta, Infight (el Frente Indonés por los Derechos Humanos), LPHAM (Instituto por la Defensa de los Derechos Humanos) y la Liga para el Mantenimiento de la Justicia, habían expresado su profunda inquietud frente a los fusilamientos ocurridos en Dili, Timor Oriental, el 12 de noviembre de 1991.

Representantes de las tres organizaciones se dirigieron a la Asamblea Legislativa Popular (DPR) dónde se reunieron con cuatro miembros parlamentarios del Partido Democrático Indonés (PDI).

Exhortaron a la DPR a establecer una comisión investigadora compuesta por miembros de la DPR, organizaciones por los derechos humanos y particulares de conocido compromiso con los principios de los derechos humanos.

Las tres organizaciones exhortaron también a la DPR a hacer todo lo posible para llevar a la justicia a las personas responsables de los disparos. La DPR debería, dijeron, pedir que el comandante en jefe de las fuerzas armadas, General Try Sutrismo, publique los nombres de las cincuenta personas que, según el admite, han resultado muertas.

Las tres organizaciones se reunieron hoy con el Profesor Kooijmans en Yakarta. El les dijo que entregaría un informe sobre este incidente al Gobierno de Indonesia y al Secretario General de la ONU, en enero del próximo año. Estima que entre 50 y 60 personas fueron muertas cuando las tropas abrieron fuego en el cementerio de Santa Cruz, pero dijo que la cifra de muertos bien podría elevarse porque había muchas personas seriamente heridas. Dijo que pensaba que alrededor de sesenta personas todavía están detenidas. No le fue posible confirmar informes de que algunos detenidos que estaba en las listas negras del ejército, habrían sido ejecutados estando en detención.

La delegación por los derechos humanos dijo que era esencial que el comandante en jefe de las fuerzas armadas permitiera a los familiares de las víctimas recuperar los cadáveres de las personas muertas en la masacre para enterrarlos. Los familiares de las personas en el hospital deberían tener permiso para visitarlos.

La delegación también recordó a los miembros de la DPR que habían habido muchos actos de violencia perpetrados por las fuerzas armadas, refiriéndose en particular a las masacres de Tsanjung Priok en setiembre de 1984, de Lampung en febrero de 1987, y las matanzas de Aceh en los recientes años pasados. (informe de TAPOL, 14/11)

Equipo de investigación en Dili

Fuentes de la resistencia timoresa dijeron que se niegan a participar en la Comisión Indonesia de Investigación, actualmente reunida en Dili. La Comisión está compuesta por seis miembros parlamentarios indonesios y un timorés.

José Ramos-Horta dijo que la manifestación fuera del hotel del equipo fue organizada por la organización de seguridad indonesia para tratar de mostrar la existencia de la libertad de expresión. (Expresso 30/11)

También se informa que uno de los dos batallones implicados en la masacre, el No. 303, partió hacia Yakarta el 29 de noviembre, mientras que el otro (No. 700) partió hacia Sulawesi la semana previa. (Expresso 30/11)

Conferencia de Obispos contradice versión oficial

La Conferencia Indonesia de Obispos, que hasta ahora se ha limitado a lamentar las muertes de Santa Cruz, ha contradicho ahora abiertamente la versión oficial de la masacre y acusó al ejército de ser el responsable. (Público 30/11)

Fuentes: East Timor News, Comunicado Urgente No. 2, 2/12/91. ❑

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IWGIA sobre **TIMOR ORIENTAL**

1 documento editado por Torben Retbøll:

Timor Oriental: La lucha continúa
(doc. No. 4)

+ 1 artículo en el Boletín de IWGIA:

Timor Oriental: Conferencia de Copenhague
- Ningún progreso en los Derechos Humanos
(boletín Vol. 9, Nos. 1/2)

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Los Lubicon Cree siguen necesitando apoyo

Alberta, Canadá

Por: Karin Sonne-Jensen y Claus Oreskov

»Por supuesto Daishowa quiere cortar árboles... obtienen esos árboles por casi nada... pero lo importante de la cuestión es por qué lo están haciendo, ellos están cumpliendo los deseos de los Gobiernos, y eso es matar al pueblo lubicon.«
(Jefe Bernard Ominayak, Nación India Lubicon Lake)

El gigante forestal japonés, Daishowa, planea hacerse cargo de la tala forestal de una gran región en el territorio tradicional de los *lubicon cree*, en la Región Boscosa Boreal en el norte de Alberta. Durante más de 50 años, los *lubicon cree* han estado luchando por sus derechos territoriales aborígenes. En 1988 se llegó a un acuerdo con la Provincia de Alberta, según el cual, la Provincia tendría que transferir 95 millas cuadradas de área de reserva a los *lubicon cree* más una compensación de 170 millones de dólares por los billones de dólares que las compañías de petróleo y gas se han apropiado de las tierras tradicionales de los *lubicon cree* que se extienden unas 4.000 millas cuadradas. El gobierno federal puso un fin a este acuerdo al no querer cumplir su responsabilidad, p. ej., de pagar la compensación.

Desde entonces (1988), el gobierno federal ha ignorado las demandas de los *lubicon cree* de comenzar una seria renegociación para resolver la cuestión de la reivindicación de tierras y compensaciones. Mientras tanto, el gobierno de Alberta ha arrendado un área del tamaño de Gran Bretaña a una docena de corporaciones multinacionales. Sólo a dos compañías forestales controladas por los japoneses, Daishowa y Misubishi, les han sido otorgados arrendamientos para talar el 15% de la provincia, y por lo tanto **todo** el Territorio Lubicon tradicional, excepto la futura reserva de 95 millas cuadradas antes mencionada. Los *lubicon cree* nunca fueron consultados en este asunto por el Gobierno de Alberta, si bien la Proclama Real de 1763 da a las naciones aborígenes el derecho de ejercer jurisdicción sobre sus áreas de tierra tradicional mientras que un tratado se negocie entre los indios y la Corona Británica (luego Canadá). La Región Boscosa Boreal que cubre el 34% del Canadá es parte de la zona ecológica natural más grande de la Tierra, y es el entorno de más de 25.000 especies animales y vegetales. Obviamente, el talado de un área tan vasta tiene efectos desastrosos en el ecosistema. Además, 65 millas al norte del territorio tradicional de los *lubicon cree*, Daishowa ha construido el mayor aserradero de pulpa de madera dura de Canadá, el cual consume 4 millones de árboles al año y usa componentes a base de cloro y produce cloros orgánicos tóxicos, – una amenaza potencial a la salud humana.

Mapa del territorio de Caza y Trampas de Lubicon Cree, Alberta

Al principio, Daishowa prometió posponer las actividades de talado hasta que los *lubicon cree* entraran en negociaciones de tratado con Alberta y el gobierno federal. A pesar de ésto, Daishowa comenzó, junto con otras compañías, extensas actividades de talado, al final de 1990. Los *lubicon cree* han estado tratando, y todavía lo están, detener estas actividades de talado de todas las maneras posibles; incluso viajaron a Japón para hablar con el presidente de Daishowa, Kiminori Saito, quien se negó a recibir a la delegación. Lograron, sin embargo, alertar a los grupos activistas del medio ambiente de Japón y consiguieron que estos grupos protestaran junto con los grupos europeos y canadienses, nativos y no nativos. La empresa Daishowa no es inmune a esta presión internacional; para mantener una imagen exterior honorable, el Vicepresidente canadiense y administrador general, Tom Hamaoka, ha dado su palabra de que no se efectuarían más talados en el Territorio de los *lubicon cree* este invierno, pero los *lubicon cree* tienen buenas razones para no tener fé en esta promesa. Es por lo tanto absolutamente esencial que se mantenga la presión hasta que haya un compromiso claro, firme y público por parte de Daishowa, de mantenerse fuera todo el Territorio Lubicon, que no ha sido cedido, al estar

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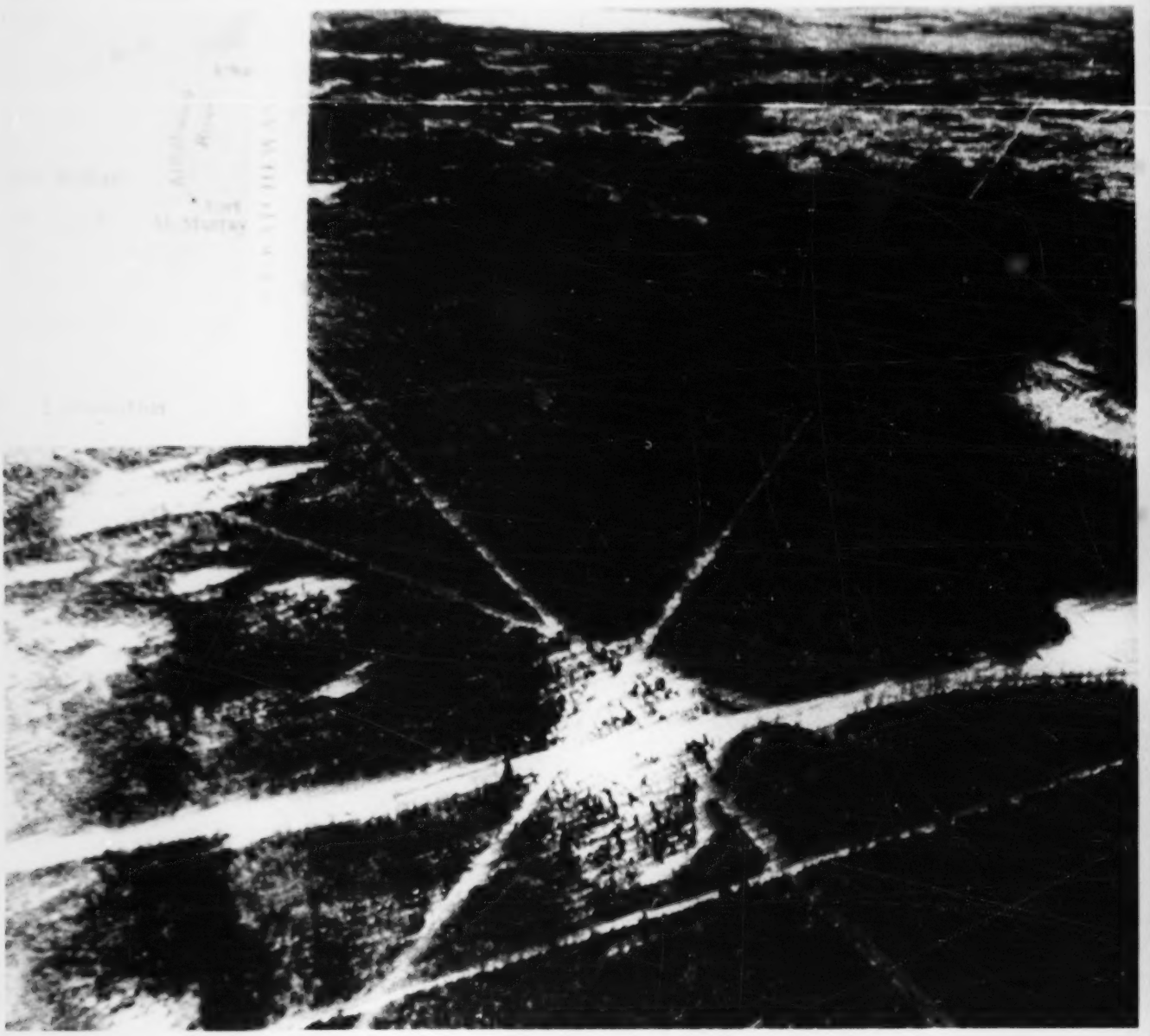

Destrucción ocasionada por la industria petrolera en el territorio Lubicon.

pendiente un establecimiento de los derechos territoriales de los *lubicon* y una negociación sobre un acuerdo de explotación con el pueblo *lubicon*, tomando en cuenta su fauna y sus preocupaciones ambientales.

Por favor, mandar cartas de protesta a:

Sr. Tom Hamaoka
Vicepresidente
Daishowa Canada Company, Ltd.
3500 Park Place
666 Burrard Street
Vancouver B.C. V6C 2X8
Canadá
FAX: +1–604–689–2853

...y por favor escribir al Primer Ministro de Canadá, urgiéndole encarar negociaciones serias con los *lubicon cree*:

Honorable Brian Mulroney
Primer Ministro
Gobierno de Canadá
Ottawa, K1A-OA6
Canadá
FAX: +1–613–957–5632

Las copias de las cartas deben enviarse a:

Nación India Lubicon Lake
c/o Sr. Fred Lennarson
3536 – 106 Street
Edmonton, AB T6J 1A4
Canadá
Teléfono: +1–403–436–5652
FAX: +1–403–437–0719

❑

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Canadá:

Revisión total del medio ambiente retarda proyecto hidráulico

Quebec, Canadá

El verano de 1991 puede ser recordado como aquél en que grupos nativos retardaron la construcción del Proyecto Hidráulico Great Whale. Hydro Quebec tenía esperanzas de comenzar a construir caminos y aeropuertos este otoño. Una comprehensiva evaluación ambiental habría impedido tal cosa. La solución de Quebec fue de apresurar la evaluación ambiental segmentándola en dos partes: primero la infraestructura de acceso, y segundo el complejo en sí mismo.

Esta forma de encare apresurado irritó a los grupos nativos, hizo que el trabajo de lobby de los ambientalistas se endureciera, hizo pensar dos veces a los neoyorquinos sobre la compra de electricidad de Hydro Quebec, e instó al gobierno canadiense a incorporarse a la lucha con su propio panel de revisión. Al final, el Primer Ministro Bourassa retardó el proyecto durante un año.

Quebec bajo presión

El Gobierno de Quebec fue presionado desde los comienzos del proceso a causa de su decisión de dividir la evaluación ambiental. Los críticos del proyecto calificaron a esta estrategia de »ilógica«. Sin embargo, el Ministro del Medio Ambiente de Quebec, Pierre Paradis siguió esta estrategia al conducir una evaluación sobre la infraestructura de acceso. Esto fue hecho a través del proceso de la Comisión Kativik sobre Calidad Ambiental (CKCA).

Los editoriales de los periódicos del verano argumentaron que la »economía hidroeléctrica« de Bourassa era anticuada, y fuera de tono con un público más consciente desde el punto de vista del medio ambiente. Se argumentó que el proyecto no sería redituable ya que Quebec vendería electricidad a precios substancialmente debajo del precio de mercado, a compañías fundidoras de magnesio y aluminio. Los profesores de la Universidad Laval, Gérard Bélanger y Jean-Thomas Bernard sostuvieron que Quebec perdería $300 millones por año al vender energía a las fundidoras de aluminio. Los habitantes de Quebec estarían entonces subsidiando las fundidoras en gran escala.

Las compañías de servicios estadounidenses, como la New York Power Authority (Autoridad Energética de New York), también han estado reconsiderando las consecuencias de la compra de electricidad a costa del medio ambiente septentrional. Si bien no han cancelado ningún contrato, han requerido que se lleve adelante un proceso de revisión ambiental adecuado. Además, los potenciales compradores estadounidenses de electricidad de la Hydro Quebec, han sido presionados por los votantes para efectuar sus propias evaluaciones ambientales y revisiones de los futuros requerimientos energéticos.

Además, los *cree* llevaron a la Hydro-Quebec a juicio, y lo ganaron. Makivik intervino en el caso, llamando al gobierno federal a respetar algunas secciones de JBNQA. El Juez de la Corte Federal Paul Rouleau sentenció el 10 de setiembre que las previsiones de la evaluación ambiental de JBNQA debían ser respetadas. La sentencia significa que los *inuit* y los *cree* tendrán representantes en el panel de evaluación tal como lo requiere JBNQA. Quebec no ha anunciado si va a apelar la sentencia frente a la Suprema Corte de Canadá.

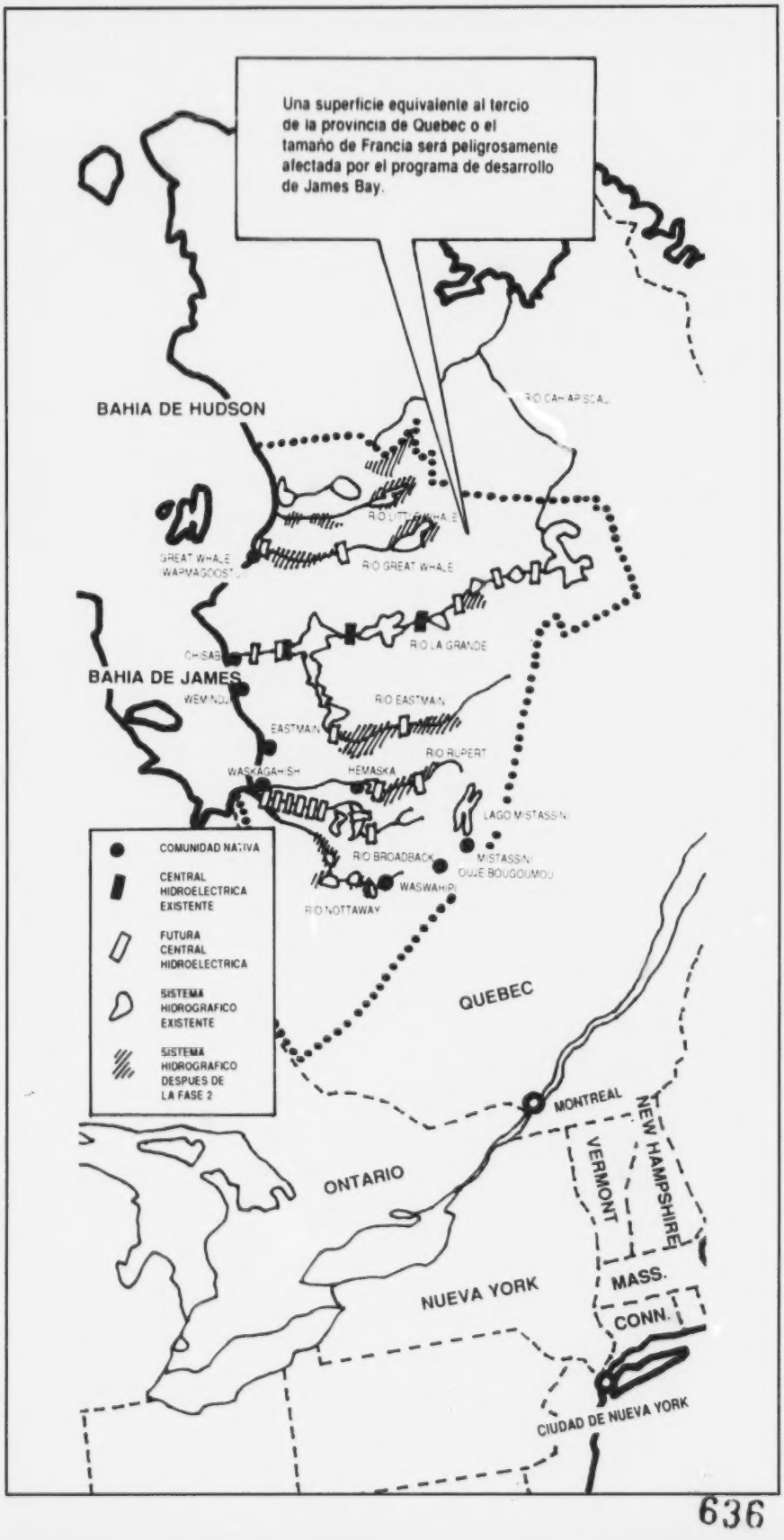
A causa de las presiones, el Ministro del Medio Ambiente de Quebec pospuso repetidamente la fecha final de la evaluación así como anunció un año de dilación en la construcción.

Los acontecimientos durante el verano de 1991

En el pasado mes de junio, la llegada de los funcionario de la CKCA fue objeto de airadas protestas en Kuujjuaraapik. Los residentes *cree* e *inuit* no los querían dejar salir del aeropuerto, si bien algunos *inuit* querían hablar con los comisionados. Las audiencias fueron reprogramadas. La fecha final del informe de la CKCA fue extendida del 19 de agosto al 12 de setiembre, y ahora indefinidamente.

En julio, el Ministro del Medio Ambiente, Jean Charest, anunció que un Panel de Revisión y Efectos Ambientales (PREA) mantendría audiencias públicas sobre el propuesto proyecto de Great Whale. Revisaría los efectos generales de, no sólo las dos fases del proyecto James Bay II, sino también de otros futuros megaproyectos posibles al borde de la Bahía de Hudson.

El presidente de Mativik, Charlie Watt, respondió al anuncio de Charest diciendo, »Aprobamos la evaluación de los efectos combinados de estos megaproyectos sobre la ecología de la Bahía de Hudson y la Bahía de James dónde los *inuit* de Nunavik tiene



reivindicaciones no resueltas sobre el área costera.« Tales reivindicaciones están bajo la jurisdicción de Canadá, de ahí la necesidad de la participación federal.

El proceso del PREA revisará los efectos acumulativos que cubren los asuntos bajo la jurisdicción federal. Estos incluyen aguas navegables, pájaros migratorios, y mamíferos marinos.

El mandato del PREA también establece que deben producirse informes interinos. El Presidente de Makivik, Charlie Watt, se sintió defraudado por ésto, diciendo, »Esto abre la puerta a autorizaciones sectoriales de, p. ej., infraestructura de acceso. Tal encare segmentado dejará, necesariamente, sin considerar los impactos acumulativos de los diversos elementos del Proyecto. La autorización de la construcción del camino antes que sea terminada un revisión total resultará, muy probablemente, en un prejuzgamiento de la evaluación del complejo hidroeléctrico en sí mismo. Estos son precisamente los problemas que una única revisión comprehensiva tenía la intención de evitar.«

Las audiencias de la CKCA se trasladan a Umiujaq y Inukjuak

Cuando Pierre Paradis anunció el retraso del proyecto el 22 de agosto, la CKCA estaba recién comenzando una sesión vespertina en Inukjuak. La mayor parte de la audiencia estaba reservada para los *inuit* de Kuujjuaraapik quienes volaron hasta allí para hablar a la comisión. Como el propósito de la CKCA es escuchar las preocupaciones de los residentes, el testimonio resultante fue característicamente negativo con relación al proyecto.

Luke Inukpuk, uno de los *inuit* que volaron hasta allí, dijo, »Aunque se ha tomado una decisión de celebrar audiencias simultáneas sobre las propuestas infraestructuras de acceso y construcciones de la represa, estamos todavía en contra de ambas fases del proyecto. La decisión no cambia nada, seguimos manteniendo nuestra posición.«

Johnny Inukpuk, un jefe local, dijo, »El camino aparejará mayor acceso al alcohol, lo cual es una amenaza para la cultura *inuit*. Pero mi preocupación mayor son los desechos de mercurio de la tierra a ser vertidos en la Bahía de Hudson, si el proyecto prosigue. Los desechos de mercurio afluentes contaminarán los animales marinos y podría significar un fin del modo de vida *inuit*.«

Lucassie Echalook estaba preocupado sobre »la posibilidad de que los animales, especialmente el caribú, puedan contraer problemas respiratorios a causa del polvo

proveniente de un camino no pavimentado. Los animales no pueden buscar refugio de las nubes de polvo tal como lo pueden hacer los humanos.«

El Alcalde de Sanikiluaq Peter Kattuq estaba también en Inukjuak. Le dijo a los comisionados, »La descarga de varios ríos contaminando la Bahía de Hudson va a infringir nuestro derecho y responsabilidad de mantener un medio ambiente limpio para los animales sobre los cuales se nos otorgó la responsabilidad de hacernos cargo. No estamos en condiciones de permitirnos que otros reacomoden nuestra relación con la tierra y el mar.«

También estaban allí *inuit* y *cree* de Chisasibi para brindar su duro testimonio sobre los efectos que el Proyecto La Grande tuvo sobre ellos. Pauloosie Angutiguluk y su esposa testimoniaron que »los efectos de los proyectos carreteros e hidráulicos eran muy malos. Los jóvenes están usando droga a causa de que el camino que conecta el sur con Chisasibi hace que el alcohol y la droga sean fácilmente accesibles. Hay también accidentes carreteros como resultado de tal acceso. También hemos visto jóvenes madres solteras cuyos niños son dejados abandonados y sin padre por parte trabajadores hidráulicos itinerantes.« Pauloosie agregó, »Los peces de las cercanías del proyecto son incomibles a causa de la contaminación de mercurio de la reserva. Ahora tenemos que viajar casi una hora por avión antes de poder pescar peces que no estén envenenados.«

Los *inuit* de Kuujjuaraapik están preocupados sobre la posibilidad de no estar provistos con acceso a aguas limpias si el proyecto desvía el río. Su problema podría ser bastante serio ya que su única fuente de agua es el Río Great Whale.

Sappa Fleming, Alcalde de Kuujjuaraapik expresó también sus preocupaciones, »Los equipos de estudio de Hydro Quebec han estado, y están, abandonando campos enteros de carpas, edificios, barriles de petróleo y basura, al final de sus estudios.«

En general, la contaminación de la cadena alimenticia de la Bahía de Hudson fue la mayor preocupación de los *inuit* en la audiencia. El presidente de la CKCA, Peter Jacobs, aseguró a los *inuit* que vendrían a las comunidades otra vez para celebrar más audiencias. También les aseguraron que el proyecto no seguirá hasta que los *inuit* den su opinión. La CKCA tiene el poder de autorizar el proyecto. Las preocupaciones *inuit* oídas en Umiujaq se convertirán probablemente en una larga lista de condiciones que la CKCA impondrá a la Hydro Quebec antes de que pueda proceder a construir el Proyecto Great Whale. Las condiciones mitigarían los efectos del proyecto sobre las vidas de los *inuit*.

La mitigación de los efectos sobre las vidas de los *inuit* si el proyecto prosigue, es también la mayor preocupación de la corporación Makivik. Hay evoluciones positivas a informar a partir de las negociaciones con Hydro Quebec en un esfuerzo por llegar a un Acuerdo en Principio (AEP). Un AEP obligaría a la Hydro Quebec contractualmente a brindar compensación a los *inuit*. Los planes iniciales de la Hydro Quebec incluían la desviación del río Nastapoka. Los negociadores de Makivik han logrado excluir al Nastapoka del proyecto. Las negociaciones también trataron con el tipo de control que tendría lugar durante, y después de la construcción, y el tipo de fondos que se podría establecer.

Se espera que un AEP sea firmado al final del otoño con Hydro Quebec.

Fuentes: Makivik News, otoño de 1991. ❑

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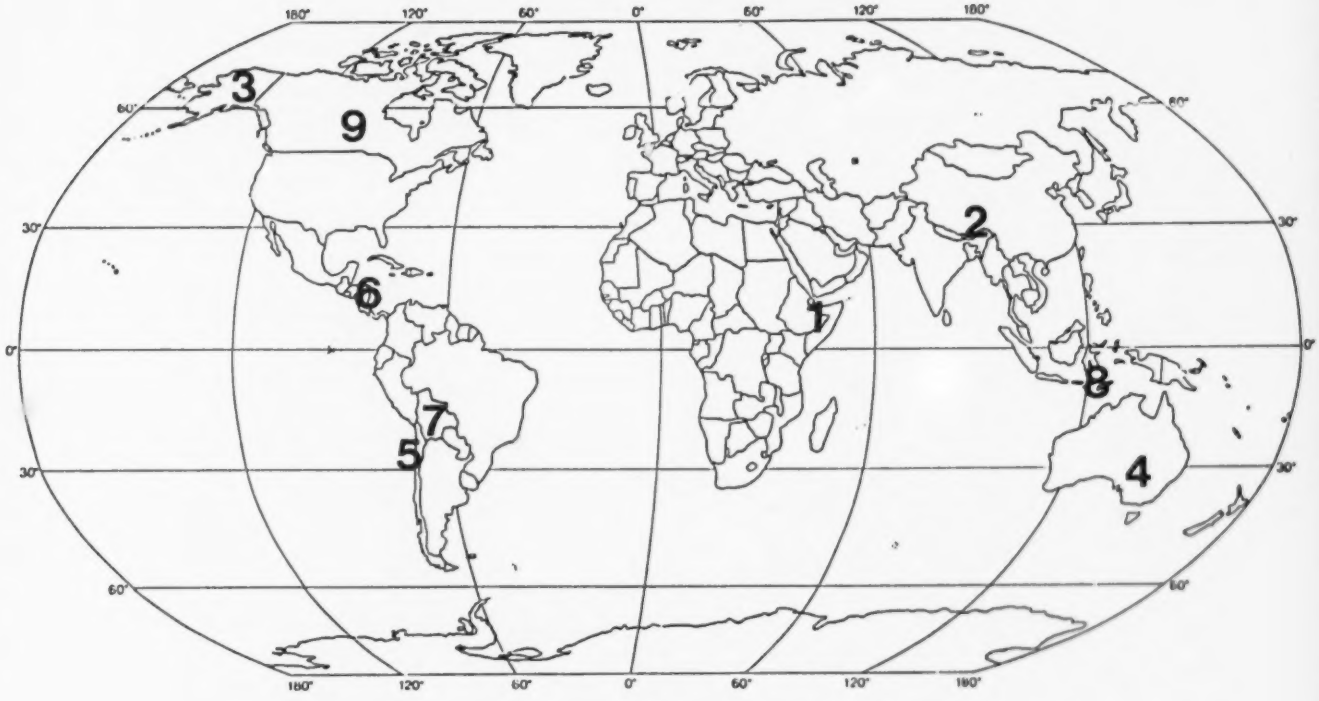

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Editorial

Parece haber una creciente comprensión de que los derechos humanos de los pueblos indígenas deberían incluir a los derechos ambientales.

La expansión de las sociedades industriales y la incorporación de las selvas tropicales y de la tundra ártica al desarrollo de las sociedades industriales ha revelado, que solamente mostrando respeto a los derechos territoriales de los pueblos indígenas -lo que incluye todo tipo de derechos ambientales- tendremos una oportunidad de evitar un desastre ecológico.

Los derechos ambientales de los pueblos indígenas del Artico fueron examinados en una conferencia celebrada en Copenhague en enero. Algunos de los discursos y documentos de este evento son publicados en la primera sección de este Boletín.

Durante algunos años, en Ginebra, el Grupo de Trabajo sobre Poblaciones Indígenas de la ONU ha estado redactando una declaración universal de los pueblos indígenas. En este proceso, la cuestión más importante parece ser los derechos de los pueblos indígenas a la tierra. La usurpación de tierras indígenas no pertenece para nada a la historia. La expulsión de los *mapuche pehuenche* de sus territorios es sólo un ejemplo, que ha sido documentado en el Boletín IWGIA 3/91. Brindamos aquí un artículo complementario, que ilustra sobre el modo especial de los chilenos de celebrar los 500 Años del Descubrimiento.

La resistencia *yanomami* contra la explotación del oro, la construcción de caminos y otros tipos de usurpación de sus tierras se ha convertido en un símbolo de la resistencia indígena contra la usurpación de tierras y la destrucción cultural. El gobierno brasileño ha finalmente aceptado ahora comenzar con la demarcación de las tierras yanomami. El proceso de creación de un Parque Yanomami ha durado 20 años, tal como lo explica Claudia Andujar en una entrevista.

Tim Cloudsley muestra cómo, en Perú, los procesos etnocidas pueden resultar en la creación o reinvención de la identidad cultural, si bien bajo nuevas formas. Por lo tanto, la nueva afirmación cultural auténtica ha sido enmarcada por la represión externa.

Lejos de América Latina, los nativos de Sarawak continúan su bloqueo de las actividades madereras. Publicamos unos breves documentos al respecto.

De otra parte de Malasia publicamos un artículo de fondo sobre los *orang asli.*

Durante la 48a. sesión de la Comisión sobre Derechos Humanos de la ONU, Sudán fue uno de los países del mundo que fueron atacados severamente por tanto los gobiernos como las ONG. Desgraciadamente con muy buena razón. Las graves violaciones de los derechos humanos incluyen la guerra de genocidio contra los *nuba* y los *fur*. Traemos una extensa documentación sobre la suerte de los *nuba*, ya publicada por Africa Watch.

En la reunión de la ONU en Ginebra fueron documentadas, por parte de IWGIA, graves violaciones de los derechos humanos en Bougainville, Birmania y Chittagong Hill Tracts, Bangladesh. En diciembre de 1990, la democracia fue instaurada en Bangladesh. Sin embargo, el nuevo gobierno ha elegido continuar la política del anterior régimen militar con respecto a Chittagong Hill Tracts, que continúa regida por el ejército.

En mayo de 1991, representantes indígenas electos, de todos los niveles políticos de la Unión Soviética, se reunieron en Moscú. Desde entonces, la Unión Soviética ha sufrido un colapso, pero los resultados de esta reunión pueden ilustrar las aspiraciones de los pueblos indígenas de Rusia. ❑

Jens Dahl

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Portada: *El grupo de teatro gorenlandés Tukak representando "La Madre del Mar" como finalización del la Conferencia de Way e IWGIA sobre los "Derechos Ambientales del Artico y del Norte en una Perspectiva Global". Foto: Jan Frydenlund.*

Conferencia sobre Derechos Ambientales: el Artico y los Países Nórdicos en Perspectivas Globales

Copenhague, 10 de enero de 1992
Organizadores: Grupo Internacional de Trabajo sobre Asuntos Indígenas (IWGIA-Dinamarca) y la Asamblea Mundial de la Juventud (WAY)

Los siguientes testigos presentaron testimonio:

Finn Lynge
(Indigenous Survival International/ Supervivencia Internacional Indígena)
Georg Blichfeldt
(Survival in the High North/ Supervivencia en el Alto Norte)
Helle Siegstad
(Inuit Circumpolar Conference/ Conferencia Circumpolar Inuit)
Britt Sparrok
(Saami Youth Organization in Sweden/Organización de la Juventud Saami en Suecia)
Pekka Aikio
(Nordic Saami Institute and the Finnish Saami Parliament/Instituto Nórdico Saami y el Parlamento Saami Finlandés)
Aqqaluk Lynge
(Inuit Circumpolar Conference/Conferencia Circumpolar Inuit)
Jurado:
Elina Helander, Gunvør Hoydal, Arne Kalland
Presidente:
Jens Dahl (IWGIA)

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Conferencia Artica

Declaración de la Conferencia

Por: Elina Helander, Gunvør Hoydal, Arne Kalland

Arne Kalland, Indigenous Survival International. Foto: Jan Frydenlund.

Gunvør Hoydal, bióloga. Foto: Jan Frydenlund.

Elina Helander. Nordic Same Institute. Foto: Jan Frydenlund.

El concepto de "Derechos Ambientales"
Los testigos acentuaron diversos aspectos en su definición del concepto "derechos ambientales", pero en general estaban de acuerdo en que el concepto complementa y fortalece la importancia de los Derechos *Humanos*. Según la opinión unánime, los derechos ambientales deben al menos incluir dos componentes. Uno es el derecho a un ambiente limpio que pueda asegurar la salud y el bienestar de los pueblos concernientes. Esto incluye la protección de los recursos naturales de los cuales la gente depende. El otro componente mencionado fue el derecho a utilizar los recursos naturales de modo sostenible y usar sus productos para cubrir las necesidades económicas, sociales y culturales, ya sea desde el punto de vista de la subsistencia o comercial.

La región Artica y Nórdica
En las presentaciones surgieron las siguientes características con respecto al área:

(1) Frecuentemente la zona se percibe como marginal en un sentido político y económico. Está escasamente poblada, y muchos de los habitantes pertenecen a grupos indígenas (*inuit, saami, indios,* y *26 pequeñas naciones en Rusia*). Son minorías en sus respectivos estados nacionales, un hecho que implica serias consecuencias en cuanto a las posibilidades de influir sobre los procesos de toma de decisión concernientes a cuestiones ambientales y otras cuestiones de importancia para sus vidas. En gran parte, las materias primas en varias formas se extraen de la región por gente de fuera.

(2) Una gran parte de la población regional depende de recursos naturales renovables, como peces, mamíferos marinos, renos, plantas, pájaros y otros tipos de fauna para su sustento. Una gran parte de esos recursos varía mucho entre las estaciones y de un año al otro, y fue subrayado que la población debe tener acceso a varios recursos para poder sobrevivir. Un ejemplo es el pueblo *saami* que tradicionalmente ha combinado el pastoreo de renos con la pesca, la caza y la recolección. Esto permite una gran flexibilidad.

(3) Otro punto importante que se presentó fue la vulnerabilidad de los recursos renovables en el norte. La contaminación y otros disturbios ambientales tienen efectos de largo alcance, y se sentía que había una falta de conocimiento con respecto a las consecuencias de los contaminantes de la naturaleza y la gente en la región (como por ejemplo, el efecto de PCB, metales pesados, y la radiación de Chernobyl, etc.)

(4) Hay un número creciente de personas, instituciones y actividades (p. ej. instalaciones militares, zonas de pruebas nucleares, industrias mineras y petrolíferas, flotas de pesca de larga distancia provenientes del sur, infraestructura tu-

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rística) que exigen acceso al Norte. Se expresó que esas nuevas actividades constituyen graves amenazas para el ambiente. Como ejemplos se puede mencionar la destrucción de la vegetación causada por el turismo y maniobras militares.

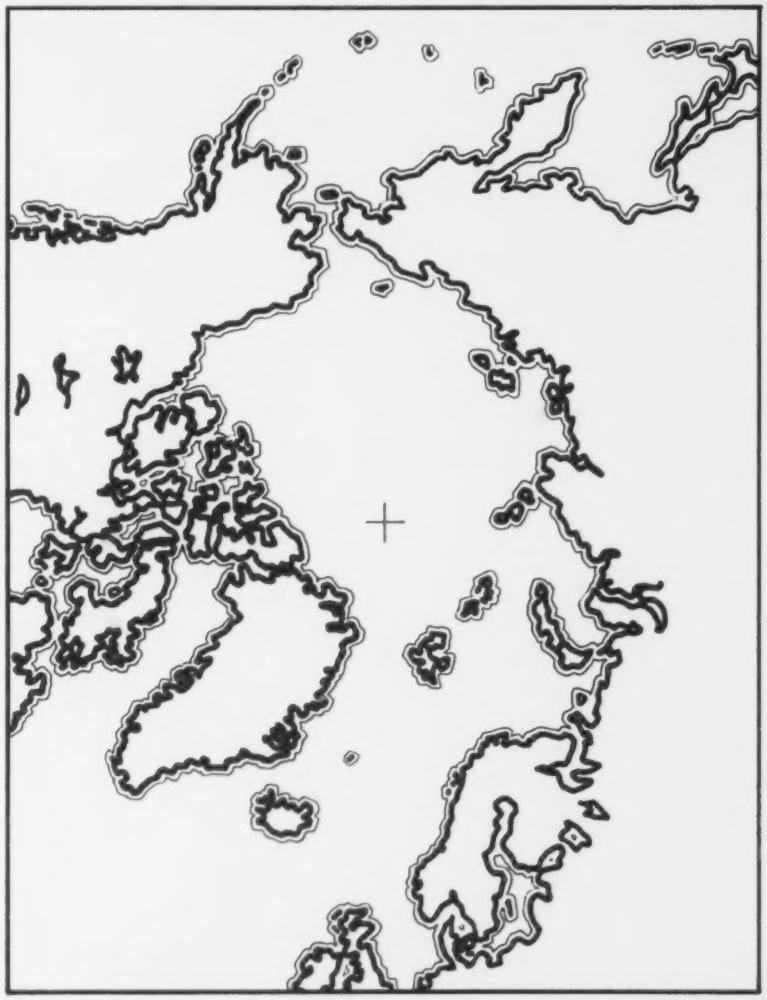
La región y los derechos ambientales

Es teniendo presente la vulnerabilidad de la región, que tenemos que considerar los derechos ambientales. Los testigos presentaron dos puntos importantes en cuanto al derecho a un ambiente limpio. En primer lugar, las amenazas para los ambientes es causada, en parte, por nuevos usuarios de las zonas nórdicas, y se exigió que la población local fuera capaz de proteger sus propias regiones y controlar el acceso, tanto a los recursos naturales como a la propia región. En segundo lugar, se exigió que se diera a los pueblos del Artico, influencia en las actividades conducidas en zonas lejanas (Europa Continental, Gran Bretaña, los Estados Unidos, Rusia, etc.) cuando esas actividades tengan consecuencias importantes para la vida del pueblo Artico y Nórdico.

Dos puntos fueron especialmente recalcados con respecto al derecho a utilizar recursos naturales y sus productos de la manera más conveniente para la población local. Sienten que sus derechos son amenazados por dos lados: por los estados nacionales y por ciertos activistas y organizaciones ambientales. Se mencionó que, por lo menos algunos pueblos indígenas, han sido capaces de aumentar su influencia sobre los procesos de planificación y decisión referentes al acceso a los recursos naturales. Por otra parte, otros expresaron mucha preocupación por el hecho de que sus intereses son sacrificados como partes de grandes asuntos internacionales, como, p. ej., el norte de Noruega donde los pescadores temen que barcas pesqueras del extranjero tengan aún más acceso a sus zonas pesqueras. Exigen que sus recursos marinos deberían reservarse principalmente para el pueblo local y que no sean utilizados en negociaciones. Además, exigen que la población local tenga influencia sobre la administración se sus propios recursos, porque poseen un gran conocimiento relacionado con el ecosistema del cual son parte, y que han acumulado por a través de milenios de experiencia en un ambiente duro y árido. Sólo cuando la población haya obtenido esta influencia y este conjunto de conocimientos sea vertido, se podrá asegurar un desarrollo sostenible, dicen. Según los testimonios, el otro desafío principal proviene de ciertos activistas del ambiente. En Finlandia, p. ej., grandes regiones tradicionalmente usadas por el pueblo saami están reservadas y funcionan como parques nacionales, obligando así al pueblo a aumentar la utilización de las zonas restantes, con varias consecuencias ecológicas. Un testigo se remitió a las Convenciones de 1966 sobre los Derechos Civiles y Políticos, y sobre los Derechos Económicos, Sociales y Culturales que dice que "en ningún caso puede un pueblo ser privado de sus propios medios de subsistencia". Los que representaban los cazadores de focas y cazadores de ballenas estaban especialmente preocupados y acentuaron que las campañas contra la caza de focas y ballenas ha causado una enorme tensión económica, social, psicológica y cultural. Proclamaron que las campañas no están basadas en consideraciones ecológicas ya que sólo cazan las especies que no estén en peligro de ser extinguidas, y que se pueden cazar de una forma sostenible. Lo consideran como imperialismo cultural cuando personas foráneas les dicen que sus actividades de caza no son éticas. Exigieron que se impidan esas campañas y que el mercado internacional se abra para sus productos.

Sumario

Como sumario se puede destacar que la participación local en procesos de toma de decisión es una exigencia para un desarrollo sostenible del Artico y las regiones Nórdicas, y que los pueblos deberían tener el derecho a usar los recursos naturales de una manera sostenible de la cual depende su supervivencia cultural. Al mismo tiempo, se subrayó que la contaminación constituye una grave amenaza para un desarrollo sostenible, y de este modo también para las culturas de la región. Finalmente, opinan que poseen un conocimiento sobre sistemas ecológicos que podrían ser de gran valor para la humanidad en general si se los usara de modo conveniente. ❑



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Conferencia Artica

Saludo de Gro Harlem Brundtland, Primer Ministro de Noruega, a la Conferencia de IWGIA

Por primera vez en la historia presenciamos que la actividad humana ha tenido serias, y quizás irreversibles consecuencias para el ambiente y las condiciones de vida de todos los seres vivos de nuestro planeta. El aumento de la temperatura del globo terrestre, la destrucción de la capa de ozono, la pérdida de la diversidad biológica, la desertización, la deforestación y la falta de agua limpia, son todos claros signos de la magnitud de los desafíos ambientales que enfrentamos.

Los pueblos indígenas y las culturas tradicionales están entre aquellos que más directamente han sufrido la influencia de las destrucciones ambientales. Han sobrevivido desde tiempos remotos porque han tenido la capacidad de vivir en equilibrio y harmonía con la naturaleza. Han utilizado los recursos naturales sin menoscabar las posibilidades de las próximas generaciones de satisfacer sus necesidades básicas.

El desarrollo organizado y la explotación abusiva de los recursos naturales ha llevado a que los ambientes locales sean desarticulados, y la formas tradicionales de vida sean puestas en peligro. Los cambios jurídicos e institucionales que acompañan a este desarrollo, contribuyen a aumentar la presión. El resultado es que los pueblos indígenas y las culturas tradicionales en realidad han sido víctimas de un genocidio cultural.

La Comisión Mundial sobre Ambiente y Desarrollo concluyó en su informe »Nuestro futuro común«, que el desarrollo sostenible es el único camino viable para encarar los desafíos globales que enfrentamos. Esta estrategia ha recibido un amplio apoyo internacional – al menos en principio.

Un desarrollo sostenible implica que tenemos que esforzarnos para eliminar las causas subyacentes de los problemas del ambiente y del desarrollo, como la pobreza, la violación de los derechos humanos y la opresión de las culturas tradicionales. Esto exige cooperación, solidaridad y voluntad de hacernos responsables de nuestro futuro común.

La Comisión Mundial se dirigió a todos los grupos de la sociedad porque creemos que todos tienen que tener derecho a influir sobre las decisiones que les atañen, y porque creemos que la democracia y la amplia participación popular son un requisito previo para el cambio necesario.

En el proceso preparatorio de la conferencia de Brasil, se permitió, por primera vez en un proceso de negociaciones internacional, una amplia participación popular que puede constituir un precedente para una futura cooperación internacional para la solución de los desafíos comunes.

Los pueblos indígenas y las culturas tradicionales son una parte importante de este proceso. Están en posesión de un patrimonio tradicional de conocimientos, experiencias y capacitación en lo que respecta al tratamiento de complicados sistemas ecológicos. La marginalización de estos grupos vulnerables es un síntoma de una vía de desarrollo que hace caso omiso de las consideraciones tanto humanas como ambientales. Las culturas tradicionales exigen, entre otras cosas, reconocimiento y protección de sus derechos tradicionales a sus territorios y al aprovechamiento de los recursos naturales de una forma sostenible. Nuestra actitud hacia ellos será un prueba determinante para una política sostenible.

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Conferencia Artica

Declaración de la CCI (Conferencia Circumpolar Inuit)

Por: Aqqaluk Lynge, Vicepresidente

Agradecimiento a IWGIA

Antes que nada deseo, en nombre de la CCI (Conferencia Circumpolar Inuit), dar las gracias a IWGIA-Dinamarca por haber, una vez más, tomado la iniciativa de crear un foro donde nosotros, en tanto que pueblos indígenas y habitantes del Artico, tenemos la posibilidad de hacer una llamada de atención a la opinión pública danesa sobre nuestras posiciones en torno a los procesos interárticos e internacionales relacionados con la protección del medio ambiente y desarrollo.

Durante muchos años IWGIA ha realizado un gran trabajo informando al mundo sobre los derechos de los pueblos indígenas, y apoyando nuestros esfuerzos para que se respeten estos derechos y sean incluidos en las convenciones y declaraciones internacionales.

En este acto, organizado en colaboración con SIMU (Cooperación sobre Ambiente y Desarrollo Internacional), en el cual percibo con alegría que participan organizaciones femeninas y juveniles, IWGIA de Dinamarca ha hecho hincapié en tratar de llegar a un mayor número de personas, tanto aquí en los países Nórdicos, como a nivel internacional. Apreciamos mucho su entusiasmo y compromiso.

Perfil de la CCI

La Conferencia Circumpolar Inuit es, como la mayoría de ustedes saben, una organización internacional que representa a los *inuit* de Canadá, Alaska, Groenlandia y de la península de Tjukotka en Siberia (en el extremo oriental de Rusia).

A pesar de que personas ajenas a nuestros territorios han trazado fronteras nacionales a lo largo y ancho del Artico y por lo tanto han dividido el territorio de los *inuit* en 4 jurisdicciones, hemos conservado nuestra identidad y hacemos hincapié en el trabajo conjunto interno, así como con otros pueblos indígenas de la región ártica y los gobiernos nacionales del Artico.

Aqqaluk Lynge.
Foto Jan Frydenlund.

Durante más de 10 años la CCI ha estimulado el trabajo conjunto entre los estados árticos y los pueblos indígenas del Artico, principalmente en relación a la cuestión ambiental. Desde 1983 los *inuit* han colaborado en el desarrollo de una Política Artica, que esperamos concluir durante 1992. Ha sido elaborada teniendo como base las resoluciones de la CCI y la política llevada por ésta desde su establecimiento en 1977-80, exponiendo, entre otros temas, la posición general de los *inuit* sobre diferentes cuestiones ambientales.

La protección del medio ambiente siempre ha sido prioritaria entre los *inuit*. Nuestra dependencia -económica, social y cultural-, especialmente de los recursos naturales, ha contribuido a hacer del trabajo por el medio ambiente uno de los elementos principales de la CCI, tanto a nivel regional como internacional.

En realidad se podría denominar a la CCI como una »organización ambiental *inuit*«. Porque, mientras existe la tendencia en el mundo industrializado de considerar al ser humano como separado y en conflicto con la naturaleza y el medio ambiente -quizás por que ellos mismos se sienten ajenos a la naturaleza- los *inuit* entienden el concepto de medio ambiente como una totalidad, conformado por la naturaleza y el ser humano.

IRCS- Inuit Regional Conservation Strategy (Estrategia de Conservación Regional Inuit)

Como Helle Siegstad comentó esta mañana, en 1985 comenzamos un amplio trabajo sobre el medio ambiente (con Finn Lynge como el primer Comisario del Medio Ambiente de la CCI) que tenía como objetivo el desarrollo de la propia estrategia regional

inuit. Una iniciativa que ha obtenido un gran reconocimiento internacional y que en 1988 nos aportó el Premio Global de la UNEP.

La implementación en sí de la Estrategia de Conservación Regional Inuit es un proceso largo y costoso. Sobre todo teniendo en cuenta de que la población mundial *inuit*, de 115 mil personas, habita más de 5 millones de km^2, que además están divididos en 4 estados nacionales, cada uno con sus respectivas posiciones sobre las iniciativas propias de los *inuit*.

Todavía estamos lejos de alcanzar el objetivo que nos planteamos hace 6 años. Pero hemos logrado poner en marcha una serie de proyectos regionales bajo nuestras propias premisas, en Groenlandia, Canadá y recientemente en Alaska. Y precisamente ésto, que los llamados proyectos de demostración, se realizan bajo las iniciativas propias de los *inuit*, es el núcleo de toda la estrategia.

La estrategia fue desarrollada, en parte como contrapartida al acoso de las organizaciones del medio ambiente y de defensa de los animales contra los *inuit*, en parte para recabar el conocimiento tradicional *inuit* sobre el medio ambiente y sus recursos. Una importante dimensión que la ciencia ha ignorado durante años a pesar de nuestras objeciones pero que tiene gran importancia en relación al desarrollo de los regímenes económicos y administrativos.

Ahora nosotros podemos constatar que, en particular con relación a este último punto, nuestro trabajo ha dado sus frutos.

Todavía existen los inconvenientes económicos para la implementación de la estrategia. Pero en la medida en que los *inuit*, a través de las reivindicaciones territoriales (regionales) y los procesos autónomos, tienen influencia sobre diversos regímenes administrativos – con algunas excepciones, sin embargo aún principalmente, p. ej., sobre los recursos vivos – la CCI se ha podido concentrar en participar en los foros internacionales que tratan de la investigación y control del medio ambiente ártico en su totalidad.

Aparte, con la ayuda de medios provenientes -entre otros fondos- de los ministerios del medio ambiente e instituciones similares, la CCI pudo brindar apoyo financiero a una serie de proyectos de investigación, y por lo tanto tener influencia sobre instituciones e investigadores para priorizar regiones que los *inuit* consideran importantes en relación a la sociedad local.

Un ejemplo concreto podría ser los estudios hechos sobre el PCB y los cloros orgánicos. Estos estudios son llevados adelante en colaboración científica entre Groenlandia y Canadá. Helle Siegstad ha ilustrado con anterioridad, cuál es el significado para las poblaciones *inuit* de este tipo de investigaciones sobre la contaminación a través de las fronteras.

En primer término, los pueblos tienen naturalmente derecho a un medio ambiente sano, como principio básico en la carta del ECE. Por otro lado, tienen derecho a la información sobre eventuales riesgos sanitarios ante la ingestión de alimentos contaminados. En tercer lugar, tienen el derecho de saber cuáles son las fuentes de contaminación, al mismo tiempo de tener influencia sobre las decisiones relacionadas a las medidas para controlar la contaminación y similares.

¿Quién contamina?

A través de los años la CCI ha contribuido en impedir proyectos que amenacen el medio ambiente del ártico. Por ejemplo el Proyecto Piloto Artico, que tenía como objetivo transportar gas líquido a través del estrecho de Davis en supertanques con la consiguiente contaminación auditiva.

Esta acción ha sido considerada por las organizaciones ambientalistas como que los *inuit* están en contra de toda forma de desarrollo, por lo tanto cada iniciativa para hacer de la sociedad *inuit* autoabastecible, mediante la extracción de recursos no renovables, ha sido denominada de hipócrita por estas mismas organizaciones.

Esto sin tomar en cuenta que las exigencias de seguridad que los *inuit* imponen a los proyectos de extracción son muy superiores a aquellas de los proyectos del mundo industrializado. Al mismo tiempo, las organizaciones del medio ambiente, flanqueadas por las llamadas organizaciones de protección animal, han contribuido a minar la forma de aprovechamiento de los recursos vivos, que deben considerarse como las más indulgentes y justificables desde el punto de vista del medio ambiente, y que ha sido la base de vida para los *inuit* durante miles de años.

La amenaza real contra el medio ambiente – contra la flora y fauna, contra el agua y el aire, contra el ecosistema global - proviene en primer lugar de la contaminación industrial en los Estados Unidos de América, Canadá, Europa y la anterior Unión Soviética.

Se habla de una larga serie de fuentes contaminadoras, que van desde la contaminación radioactiva al petróleo y la contaminación química, que se expande por medio del aire y agua hacia los vulnerables ecosistemas del Artico.

Debería ser innecesario resaltar que estos diferentes tipos de contaminación por aire y agua, así como la contaminación a través de la cadena de alimentos vía las especies animales migrantes, en gran medida afectan a los pueblos aborígenes en toda la región del círculo polar.

Desgraciadamente la documentación sobre la contaminación del PCB y de los cloros orgánicos, que en forma invisible destruye animales y seres humanos desde adentro, no vende tanto como los quioscos de propaganda o los folletos enviados por correo a las amas de casa, casi al mismo nivel que los montajes fotográficos sobre el tema »asesinato de focas y ballenas«. Quizás porque las amas de casa no desean pagar para saber que esas mismas pobres focas y ballenas viven de las bolsas de plástico que ellas mismas arrojan a la basura diariamente.

El tema tampoco es interesante (económicamente) para las organizaciones del medio ambiente y de defensa de los animales, como para tratarlo y comunicarlo a sus miembros. Por eso es importante que los pueblos árticos participen en los foros que trabajan para delimitar y, en lo máximo posible, eliminar las fuentes contaminadoras, de manera que nuestras experiencias, nuestros deseos y necesidades se incorporen a las estrategias.

»Mantener limpia a la naturaleza« y »Pensar en los animales«

Los *inuit* toman en serio la responsabilidad del ser humano sobre la naturaleza y el medio ambiente. Por eso se invierten grandes recursos humanos y económicos en una participación activa en las iniciativas en torno al control del medio ambiente global y del ártico en particular.

De todos modos vivimos, como pueblo indígena, el barroco y frustrante hecho que las organizaciones del medio ambiente y de defensa de los animales, en gran medida ganan dinero al mostrarnos ante la opinión pública en forma negativa sin que se les pida pruebas o documentación científica.

Al mismo tiempo, constatamos cada vez que la carga de la prueba en la cuestión de los derechos humanos y del medio ambiente, cae sobre las espaldas de los pueblos indígenas.

Es por eso que el tema constante en una infinita serie de manifestaciones sobre el medio ambiente en términos generales, es mantener nuestro derecho, como pueblo indígena, a un aprovechamiento justificable de los recursos que se hallen en nuestros territorios, como se estableció en el verano pasado en nuestro »Encuentro de Líderes

del Artico« en Hoersholm, y en el otoño en la Conferencia CSCE de Moscú.

Por otra parte, para ser oídos en el momento y en el lugar justos, la CCI, a través de una intensa actividad de lobby, ha obtenido un importante papel en el frente del medio ambiente a nivel internacional. Como ONG la organización juega un papel activo dentro de la ONU y tiene un papel muy actual y de prominencia en el proceso de la UNCED, donde la CCI también participa con una delegación juvenil.

Iniciativas nacionales

En Canadá, los pueblos indígenas y principalmente la CCI participaron en la preparación de un plan general sobre el medio ambiente, el »Documento Verde« de 1990, donde el componente ártico, la llamada »Estrategia Ambiental del Artico«, se considera como uno de los pilares.

Los Estados Unidos de América y Alaska en general han sido menos activos en cuanto a la protección del medio ambiente, a pesar de que, en el llamado »Plan de Investigación Artico de los Estados Unidos de 1987«, a partir, entre otras, de una iniciativa de la CCI, se dieron las pautas para una investigación orientada desde el punto de vista ambiental.

En cuanto a Groenlandia, el gobierno autónomo de la década de 1980, estableció una administración sobre el medio ambiente que ahora es la de la Dirección de Salud y Medio Ambiente, junto con el Servicio de Salud, que el gobierno autónomo tiene a su cargo desde el 1 de enero de este año.

La Dirección de Salud y Medio Ambiente, basada en el decreto parlamentario de 1988 relacionado a la protección del medio ambiente, ya en el momento actual desempeña una serie de regulaciones sobre desechos y tareas de limpieza. Aparte existen planes para establecer un instituto de la naturaleza, que va a desempeñar una larga serie de tareas de investigación, educación e información relacionadas con la protección del medio ambiente, así como campañas tipo »mantener limpia a la naturaleza«, etc.

Rovaniemi

Desde el comienzo, tanto el gobierno autónomo de Groenlandia como la CCI han sido activos en el proceso de Rovaniemi, también llamado »La Iniciativa Finlandesa«. El gobierno autónomo participa en forma oficial como una parte de la delegación danesa (el Departamento de Investigación del Medio Ambiente Groenlandés es todavía parte del Ministerio de Energía), mientras que la CCI, junto con el Consejo Nórdico Saami, alcanzaron el estatus de observadores permanentes como ONG.

En la CCI consideramos la »Estrategia de Protección Ambiental del Artico« y la declaración conjunta, firmada por 8 países árticos en junio de 1991, como hito fundamental para las poblaciones indígenas. La CCI, el Consejo Nórdico Saami y »Los 26 Pueblos del Norte«, contribuyeron firmemente en forma conjunta a que se reconociera la especial relación de los pueblos indígenas y locales hacia el Artico y su contribución única en la protección del medio ambiente.

De todos modos es importante marcar que todavía no hay motivo para aplaudir. Como es el caso de la mayoría de las declaraciones de intención, hay necesidad de seguir de cerca su evolución.

A comienzos de diciembre, en Tromsoe, en la primera reunión de cooperación propiamente dicha – Programa de Evaluación y Control del Artico (AMAP-Arctic Monitoring and Assessment Programme)- quedó claro que las intenciones que se desprenden de la declaración, así como de la estrategia de protección del medio ambiente ártico, no van a tener especial prioridad en la fase de implementación, a menos que la CCI y el Consejo Nórdico Saami hagan una esfuerzo especial.

En una declaración conjunta, la CCI y el Consejo Nórdico Saami exhortaron fuertemente a AMAP a la recabación del »conocimiento tradicional« existente sobre el medio ambiente ártico, al mismo nivel que la información científica, y el reconocimiento de este importante aporte para la comprensión del medio ambiente en la incorporación de su trabajo futuro.

Organizaciones del medio ambiente y derechos humanos

El objetivo del trabajo sobre el medio ambiente de la CCI consta en asegurar que el desarrollo se de en una base sostenible. Con esto se entiende un desarrollo que:

1) tome en cuenta la capacidad del ecosistema global y del ártico en particular,
2) que contribuya a un medio ambiente seguro y sano y
3) proteja a las culturas de los pueblos indígenas y respete sus derechos fundamentales, valores y prioridades.

Este tipo de desarrollo no puede llevarse adelante sin la participación directa de los pueblos indígenas a todos los niveles. Esto significa tanto en la fase de planificación como en la evaluación y control de la influencia social, cultural y económica que dicho desarrollo tiene sobre la sociedad. Justamente bajo estas condiciones, el medio ambiente y los derechos humanos están íntimamente relacionados.

- Consideramos, por lo tanto, como un derecho humano que tengamos influencia decisiva en los proyectos de desarrollo que tienen lugar o influencia en nuestros territorios – tanto sea en tierra como agua.

- Consideramos como un derecho humano, que se tome en cuenta nuestro conocimiento tradicional sobre medio ambiente y recursos vivos; en parte en relación con el aumento de la producción industrial, con las consecuencias sobre el medio ambiente, especialmente para nosotros. En parte cuando se ponen en marcha medidas administrativas con vista al aprovechamiento de los recursos vivos, que eventualmente conlleven restricciones para nosotros.

- Consideramos como un derecho humano que podamos continuar con nuestras actividades de subsistencia en forma justificable.

- Consideramos como una violación de nuestros derechos humanos cuando nuestras tierras y mares y los peces y presas sobre las cuales basamos nuestra existencia, contaminan y amenazan nuestra salud. (comparar punto 1 de la carta del ECE).

Por eso, nosotros como pueblos indígenas, estamos dispuestos a continuar nuestra lucha para obtener nuestra justa ubicación en la sociedad internacional – con relación al establecimiento y administración de los derechos ambientales y derechos humanos,- derechos que nosotros consideramos como entidades integradas. Gracias. ❑

Conferencia Artica

El medio ambiente y los derechos humanos

Por: Finn Lynge

Quiero comenzar por agradecer a WAY, SIMY e IWGIA por haber organizado esta conferencia. Es muy importante crear un foro, del cuál pueda originarse un mensaje para la Conferencia de Río el próximo verano, la cual es de suma importancia precisamente por lo que respecta a este tema. El tiempo apremia y se puede hablar largamente sobre este tema. Se podría sin dificultades realizar un seminario de una semana, si así fuera necesario. Quiero, para ser breve, remitirme a una sola cosa en esta introducción, la nueva Estrategia Mundial para la Preservación de la Naturaleza, »Cuidar de la Tierra«, que fue publicada en el otoño pasado. Es un documento importante. Ha sido, tal como la Estrategia Mundial para la Preservación de la Naturaleza de 1980, redactada por IUCN (Unión de las Organizaciones de Preservación de la Naturaleza Mundiales), UNIT (Programa Ambiental de las Naciones Unidas) y WWF (Fondo Mundial por la Naturaleza).

En contraposición a la Estrategia Mundial para la Preservación de la Naturaleza de 1980, este programa contiene muchas referencias directas a nuestro tema de hoy, es decir la relación entre los derechos humanos y los derechos ambientales. Quiero llamar la atención sobre algunos de ellos. Las personas que han redactado este documento han preferido tratar la cuestión de los pueblos indígenas y similares mediante, por así decirlo, el entrelazamiento de la misma en otros textos, en vez de separarla del resto y tratarla en un capítulo independiente. Por lo tanto hay que buscar en muchos lugares del documento para darse cuenta de cuál es exactamente la posición con respecto a esta cuestión, pero cuando uno lo hace, es muy provechoso.

Finn Lynge.
Indigenous Survival International.
Foto: Jan Frydenlund.

Dice en la página 11, bajo el subtítulo sobre la creación de un marco nacional para la integración entre desarrollo y conservación de la naturaleza, que »...es importante considerar a los seres humanos como el elemento central del sistema; ya que se toma los factores sociales, económicos, técnicos y políticos que están relacionados con la explotación de los recursos naturales«. Es, por supuesto, una hermosa declaración de apertura a lo que vamos a tratar hoy aquí.

Voy a nombrar sólo dos ejemplos sobre cómo este principio es y será violado muchas veces. Uno de ellos es la problemática de la selva húmeda, en la cual se encuentran muchísimos ejemplos de cómo el problema de la selva se discute sin tener en cuenta a la población que vive en ella. Hay por supuesto quienes luchan contra la selva a causa de motivos de lucro. Pero también aquellos que quieren salvar la selva entran en esta problemática. La otra es la situación de la fauna ártica. Hay muchísimos ejemplos de cómo la gente está interesada en proteger la fauna ártica, sin tener en cuenta a los cazadores, quienes durante miles de años han vivido de la fauna ártica. Por eso terminan en la práctica en una tangente, dónde dañan a otra gente y son cómplices de la destrucción de sus formas de vida, lo que no redunda en beneficio de la fauna. Este es un buen punto para comenzar.

En la página 14 tenemos un capítulo, que yo creo es sumamente importante, ya que señala un nuevo elemento en la problemática de la preservación de la naturaleza: lo que se puede llamar el asunto de la protección de los animales.

Hasta ahora siempre se ha dado, de que con justicia se ha podido diferenciar por un lado entre las organizaciones de protección de los animales, las cuales se ocupan de cuánto sufren los animales en forma particular, y qué es lo que se puede hacer para aliviar o impedir los sufrimientos del animal en particular. Y por otro lado los movimientos que se ocupan de la protección de los procesos naturales, o sea el aspecto ecológico. Son en sí mismas dos cosas diferentes, pero en el correr del tiempo ha ocurrido una mezcla en lo que respecta a ésto y en la conciencia pública y en el debate. Tiene una

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larga explicación histórica, en la cual no voy a profundizar. El hecho es que esta confusión ha tenido lugar y está presente en la conciencia popular. La redacción de la nueva estrategia de la preservación de la naturaleza está inducida por esta confusión al decir, que el deseo de querer proteger la naturaleza y los procesos naturales, debe incluir un elemento, que en inglés se llama »to care«. Es por ésto que el documento se llama »Caring for the Earth«, lo que quizás se pueda traducir como »ocuparse de la Tierra, porque sentimos algo por ella«. Los que han redactado este documento tienen la posición de que en el futuro no se puede soslayar, que en todo el mundo hay un compromiso afectivo de tal carácter como nunca ha habido antes. Esta es la razón de que, por ej., en la página 14 dice«...es una obligación respetar cualquier forma de vida independiente del valor que tenga para el hombre. Por lo tanto hay que tratar a todas las criaturas decentemente y protegerlas contra la crueldad y sufrimientos que pueden ser evitados, y de la muerte innecesaria.«

Este es un nuevo elemento y es claro que aquí se ha plantado la simiente de un conflicto. En realidad nadie puede estar en desacuerdo con lo que se dice aquí. Ni siquiera los pueblos cazadores pueden estar en desacuerdo en que no hay que matar animales cuando no sea necesario y que no hay que ir de caza para hacer sufrir a los animales, sino para procurarse alimento. En ésto estamos todos de acuerdo. Sin embargo, aquí yace la simiente de tantos conflictos que hemos visto el último par de años. El último de ellos fue el debate sobre la caza con trampas, especialmente en los bosques canadienses. No voy a entrar en detalles, quizás lo haga luego en el transcurso del día, sino simplemente quiero mencionar que la simiente está aquí.

En la página siguiente (pág. 15) se nombra directamente »...que a partir de estas dos formas de encarar la problemática, pueden surgir problemas, lo cual ha sido el caso de Groenlandia y el norte de Canadá y Alaska.« Enseguida se nombra otro ejemplo, Africa. Se trata aquí del tráfico del marfil y la necesidad de algunas naciones africanas de vender marfil con el propósito de obtener recursos económicos para administrar y proteger la reserva de elefantes de manera adecuada. El problema para ellos es que cuando se elimine el tráfico de marfil, no tendrán dinero para proteger y administrar la reserva de elefantes de manera adecuada. Entonces comienza la caza furtiva, el dinero va a parar a otras manos y el estado de cosas se desintegra. Hay por lo tanto dos principios básicos rádicalmente distintos aquí, y lo que el documento señala es que, los conflictos antes mencionados cubren interpretaciones culturales rádicalmente distintas de lo que esa ética, que nos va a permitir vivir de una forma sostenible con los recursos naturales, implica. El documento no trata de resolver el problema, sino que indica la existencia del problema y termina diciendo que es necesario desarrollar principios éticos para resolver el conflicto entre los dos puntos de vista básicos.

Es una muy buena posición, porque el conflicto no puede resolverse por medio de que una de las dos partes obligue y manipule a la otra, por motivos políticos o de poder, a aceptar sus principios éticos. Lo que dicen es que hay que pensar mucho para llegar al fondo de este asunto.

En la página 41 se habla del deber de aprovecharse de los recursos naturales. En la medida en que se aprovechen, deberá hacerse de una forma sostenible. Es por supuesto elemental, y nadie lo podrá contradecir, pero muchos lo contravienen. Nadie podrá contradecir el hecho de que no se debe tocar al capital natural. Como se ha dicho a menudo, se trata de aprovechar las rentas y dejar tranquilo al capital. Cuando se comienza a tomar del capital, entonces va mal la cosa – lo cual todos estamos de acuerdo.

En la página 58 aparece la pregunta de cómo se puede motivar a la gente a tratar los recursos naturales de una forma sostenible y no sobrexplotarlos. Hay una formulación interesante: »...las pequeñas sociedades y los individuos necesitan de un acceso garantizado a su tierra y a los recursos naturales de los cuales viven. Si los pueblos no tienen una seguridad política sobre su aprovechamiento de los recursos naturales de donde ellos viven, no están entonces motivados a explotarlos de una manera sostenible.« Esto es importante. Si no se les da a las sociedades locales la autoridad política para decidir ellos mismos cómo pueden mejor aprovechar sus propios recursos de una forma sostenible; si se trata de impedirles, por diversas razones, aprovechar sus recursos suficientes, o si se intenta dictarles modos de proceder, con los cuales no están de acuerdo y encuentran irrazonables, entonces los pueblos reaccionan en forma contraria, según la experiencia. Y ¿quién paga el precio? Lo hacen los animales y los recursos naturales. Por lo que es un principio increíblemente importante, el que aquí se formula.

Un par de páginas más adelante, en la página 60, se establece en forma bastante lógica como consecuencia de lo antes mencionado, que es necesario comprometer a la población local bajo sus propias premisas y no solamente tratar de resolver los eventuales problemas de sostenibilidad con dictados verticales. Enfrentamos en estos años una problemática, que muestra de manera clara, el meollo del asunto, y es la problemática de la pesca de la ballena.

Hay un fuerte movimiento internacional con muchas delegaciones gubernamentales nacionales, que sostienen que la comisión internacional sobre la pesca de la ballena debe tener plena autoridad sobre todas las ballenas de todo el mundo, incluyendo las pequeñas ballenas, es decir, la ballena blanca, las ballenas narvales, los delfines, etc. Y también autoridad para distribuir cuotas de las mismas. Se puede imaginar, que a partir del punto de vista de esta gente, es deseable la creación de una autoridad internacional global, que sea capaz y tenga la autoridad de administrar cuotas de pequeñas ballenas en todo el mundo, entonces es de esperar a que los balleneros obedezcan. Pero es una manera equivocada de pensar, porque así no funciona. La pesca de las ballenas pequeñas tiene lugar en una naturaleza que es tan grande, tan salvaje y tan extendida en el Canadá ártico y a lo largo de la costa occidental de Groenlandia, para mencionar una zona que conocemos, que es tan enorme, que aunque la Comisión de la pesca de la Ballena lograra movilizar la entera Flota Naval del Mediterráneo de los Estados Unidos, no sería capaz de vigilar la zona. Es imposible vigilarla. Solamente se puede salvar a estas pequeñas ballenas de una manera, si es que algunas de las especies están amenazadas de exterminación, y es motivando a los pescadores. Poder cambiar su manera de pensar, apelando a su sentido común o a sus sentimientos para que entonces actuen de modo apropiado. Eso significa que hay que escuchar sus opiniones y no se debe tratar de forzarlos con viejos sistemas colonialistas, porque así no se consigue nada; el precio lo pagan los animales.

Esta es la razón de que en la página 60 se habla de la »participación comunitaria«. Es importantísimo que las comunidades locales tomen parte en el asunto. Es necesario que las comunidades locales participen bajo sus propias premisas y por eso dice que, p. ej., hay que aceptar y respetar que las comunidades locales, y en muchos casos quiere decir los pueblos indígenas, a menudo tienen su propia manera de tomar decisiones; sus propias formas de procesos democráticos que hay que respetar, entender y utilizar. No se puede tratar de dictarles nada – porque eso no conduce a un buen resultado.

Es imposible resolver los problemas de sostenibilidad con dictados verticalistas.

En la página siguiente, pág. 61, el tema principal de toda esta problemática trata de las condiciones de vida de los pueblos indígenas. Generalmente, cuando hablamos de los pueblos indígenas, la explotación de la naturaleza viva y el beneficio de los recursos vivos, nos imaginamos unas minorías muy pequeñas. Esto se debe al hecho que las personas que viven de esta manera tradicional, forman una minoría en una sociedad más grande; esto tiene lugar en casi todo el mundo. Y eso es verdad. Pero el globo es grande, el mundo es grande y la suma de todas estas pequeñas comunidades alcanza un total de aproximadamente 200 millones de personas. En Groenlandia somos 55.000 habitantes, incluyendo 10.000 daneses, esto significa 45.000 groenlandeses. En Canadá y en Alaska existe aproximadamente el mismo numero de *inuit* y en todas partes existen pequeños grupos como éstos, pero a nivel mundial son muchos. En total hay muchas personas que viven con una economía de subsistencia, por lo tanto viven directamente de los recursos de la naturaleza. Si se impide que 200 millones de personas vivan directamente de los recursos de la naturaleza, tendremos, si no otra cosa, problemas económicos que a nivel global serán muy graves.

Se trata del 4% de la población mundial, que vive del estilo de vida de subsistencia, así llamado en la jerga internacional. A menudo resulta que estas personas son puestas, por parte de las sociedades dominantes, en una disyuntiva que les es presionada de distintas formas. Pueden continuar viviendo como lo han hecho siempre o pueden integrarse a la sociedad moderna. Pueden elegir, pero también tienen que sufrir las consecuencias; para un lado o para el otro.

Hace algunos años, la Comisión de la Pesca de la Ballena exigía que los esquimales de Alaska utilizaran sus viejos barcos de piel – cosa que todavía hacen-, y sus anticuados arpones, etc., si querían conservar sus cuotas. Lo último mencionado nunca entró en vigor, a causa de la protección de los animales, porque es evidente que la tecnología moderna crea la posibilidad de cazar de manera más aceptable desde el punto de vista de la protección de los animales. Pero hay una tendencia a decir que si verdaderamente quieren vivir de los recursos naturales, entonces tienen que vivir como lo hacían sus antepasados. Si no, se tienen que integrar; se pueden trasladar a Anchorage o a Seattle, conseguir un trabajo y comer hamburguesas.

Por el contrario, la actitud en este documento es que no es justo obligar a la gente a una tal elección. Hay claramente una tercera posibilidad, y es la posibilidad que esta gente elegiría; y ésta significa en el transcurso de los años, desarrollar un nuevo modo de vida, que contenga algo de lo viejo y algo de lo nuevo. En efecto, es lo que hemos hecho en Groenlandia. No entiendo la creencia de que las sociedades modernas tienen la autoridad moral para decir: o bien se hace de una manera o de la otra. O bien viven como se vivía en la edad de piedra, o como funcionarios de cuello blanco hacinados en el metro. ¡Pero qué locura! Todo el mundo debe tener el derecho a elegir. Algunos eligen, p. ej., continuar pescando ballenas, grandes o pequeñas, pero con barcos modernos y con la tecnología moderna. Es algo que eligen según sus propias premisas. Por eso, concluye este documento, hay tres cuestiones importantes:

Punto 1: Los derechos de los pueblos indígenas deben ser reconocidos, y así está sucediendo paso a paso. Es lo que ha sucedido, p. ej., en la convención de la OIT, que ha sido discutida en Ginebra durante muchos años. Esto sucede en varios contextos, recientemente ha habido grandes acontecimientos en Canadá.

Punto 2: Hay que crear un desarrollo suave, no un desarrollo violento. Las sociedades dominantes siempre tienen tendencia a ofrecer el desarrollo a sus minorías de modo directo y violento. Nuestra actitud es que en algunos casos puede ser necesario ofrecer algo de modo muy directo, pero también se puede ofrecer algo de modo directo pero suave a la vez. Esto implica que

Punto 3: Es necesaria la participación de los pueblos locales, ya que se trata de sus asuntos. Y ahora ya he hablado durante 25 minutos. ❑

Nuevo documento IWGIA en inglés

OUT IN THE COLD

the Legacy of Canada's Inuit Relocation Experiment in the High Arctic

por Alan R. Marcus

US$ 10

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Conferencia Artica

Declaración de Helle Siegstad, Groenlandia

Estimados testigos, jueces y público:

Agradecimiento a IWGIA y WAY

Antetodo quiero dar las gracias a IWGIA y a WAY por haber tomado la iniciativa para realizar esta conferencia sobre derechos ambientales. Tiene mucha importancia que durante la Conferencia Mundial sobre el Ambiente – UNCED se encuentre un equilibrio aceptable entre la protección del ambiente y la necesidad de desarrollo y -sobre todo- que se reconozcan los derechos de los pueblos indígenas y locales a utilizar y administrar sus propios recursos.

Introducción

Hoy día, hay un interés creciente por las zonas árticas por parte de la comunidad internacional. Entre otras cosas, esto se debe a dos factores: 1. que se espera encontrar yacimientos minerales y petrolíferos y 2. que es en los sistemas ecológicos del Artico donde primero se puede registrar un eventual cambio global del clima. En el Artico se ha constatado una gran e inesperada contaminación, que principalmente tiene origen en el mundo industrializado. Las condiciones de vida de los *inuit* no están amenazadas sólo por la contaminación, sino también por las campañas malentendidas de las organizaciones protectoras de animales contra la caza de los animales salvajes.

La mayoría de los pueblos indígenas que vive en el Artico, todavía no han alcanzado un grado de independencia política o económica para actuar contra las amenazas que existen y que van a surgir contra el ambiente. Este problema ha sido reconocido durante muchos años, pero mediante la Conferencia Circumpolar Inuit (CCI) las posibilidades han mejorado.

La problemática sobre los recursos y el ambiente siempre ha tenido un lugar central en la CCI y en 1986 la Asamblea General aprobó un programa para una Estrategia

Helle Siegstad, CCI, muestra a los jueces y al público un "ulo", un símbolo femenino groenlandés. Foto Jørgen Abelsen.

Regional de Conservación de la Naturaleza. Es la primera estrategia ambiental para un desarrollo sostenible en el Artico en la cual la iniciativa proviene de los *inuit* mismos. Entre otras cosas, los objetivos principales consisten en mantener un ambiente sostenible y que la explotación de la naturaleza por parte de los *inuit* se realice de acuerdo a un nivel sostenible.

Información general-Groenlandia

Como Uds. seguramente saben, la existencia de Groenlandia depende de la caza y de la pesca de los recursos vivos del mar: gambas (langostinos), peces y mamíferos marinos. Hasta ahora han sido principalmente las campañas de las organizaciones protectoras de animales contra la caza de los mamíferos marinos que han afectado Groenlandia. Esto ha perjudicado las pequeñas comunidades de cazadores más que nada, donde las malas coyunturas para la comercialización de pieles de foca en el mercado mundial han tenido consecuencias tanto económicas como sociales y culturales.

En Groenlandia, dependeremos, en nuestro desarrollo futuro, tanto de la explotación de los recursos vivos como de los inanimados. Es la responsabilidad y el declarado objetivo principal del Gobierno Autónomo de Groenlandia, asegurar una explotación apropiada y biológicamente sostenible de los recursos de caza y pesca.

En pocas palabras, quiero describir lo que he estado trabajando en estos últimos años. En virtud de este trabajo, he hablado con un gran número de las personas que han sido afectadas por las varias campañas contra la venta de pieles de foca y hasta hoy día sienten una impotencia con respecto a la omnisapiencia del mundo industrializado.

En 1988, el Gobierno Autónomo Groenlandés – inspirado justamente por la Estrategia Regional de la Conservación de la Naturaleza de la CCI – ha iniciado una recabación de informaciones sobre los recursos vivos y su explotación. Junto con mi colega – H.C. Petersen – he recabado informaciones mediante entrevistas con cazadores y pescadores. Por ejemplo, se ha obtenido informaciones sobre la existencia de diversas especies, su biología y la importancia de su captura en cada una de las comunidades. Muchas condiciones biológicas se pueden ubicar, en una forma más o menos delimitada, en una localidad geográfica la cual ha sido dibujada en el mapa durante las entrevistas. Aparte de eso, en las comunidades se han recabado reglamentos locales y la ubicación de las cabañas de caza.

Es conocido que en los ecosistemas árticos hay grandes fluctuaciones dentro de cada uno de los grupos animales. Las enormes fluctuaciones han existido durante toda la historia y tienen conse-

cuencias económicas directas para los grupos de habitantes árticos.

Todavía nos queda mucho para poder comprender todas las pequeñas diversidades y mecanismos en los ecosistemas árticos. La inestabilidad natural de los ecosistemas árticos hace difícil realizar una explotación racional de los recursos vivos. También la pesca de mamíferos marinos ha sido caracterizada a lo largo de la historia por grandes fluctuaciones de la cantidad de animales. En el Artico tenemos que aprender a vivir con la inestabilidad, ésto incluye tanto la pesca moderna como la caza tradicional de mamíferos marinos.

Lo que es difícil de aceptar es el concepto de las organizaciones protectoras de animales, en cuanto a la caza de recursos vivos. Esto ha implicado consecuencias económicas para los pueblos indígenas y locales – en una dimensión que en alto grado sobrepasa las fluctuaciones naturales de la cantidad de animales y que es causada por un mecanismo que es tanto o más difícil de afrontar.

Organizaciones

El concepto humano de la cultura, la naturaleza y la ética surge en parte de los marcos físicos bajo los cuales los seres humanos viven y en parte de la influencia del ambiente social. Es imposible imaginar que una persona de la ciudad y un cazador del Artico puedan tener el mismo punto de vista sobre la naturaleza. El ambiente social y las normas que se han determinado sobre lo que es justo y lo que no lo es, también son muy diferentes. A menudo, la gente de la ciudad concibe la caza y la protección de la naturaleza como algo incompatible – y por eso ahora desea introducir principios éticos sobre la caza a un nivel global. Uno se ve tentado a preguntar ¿global para quién? Ya que los principios éticos se estipulan en el mundo occidental, es probable que el resultado será una criminalización del cazador y la cultura de la caza.

Recientemente, una comisión en los Estados Unidos ha entregado un informe a la delegación de los Estados Unidos a la Comisión Internacional sobre la pesca de Ballenas. La Comisión recomienda que las circunstancias biológicas y científicas no deben ser determinantes en cuanto al consentimiento a capturar ballenas. En cambio, una actitud más moderna tendrá que ser determinante en cuanto a la protección de los animales. Según la comisión, »una actitud moderna« para la protección de los animales, consiste en una actitud en la cual los puntos de vista de carácter moral y humano sean determinantes.

La Organización Mundial por la Protección de la Naturaleza también ha proclamado que como organización tiene que seguir los principios éticos y no solo considerar los factores biológicos y científicos.

Los principios éticos es la comprensión de lo que es bueno y malo – justo o equivocado. La ética es determinada por la cultura que existe en el lugar donde vivimos, y eso en sí no tiene nada de nuevo. Ahora, el mundo occidental va a estipular normas éticas a otras culturas y como si todo ésto fuera poco, las normas éticas tendrán que prevalecer sobre los factores biológicos y científicos. Desde mi punto de vista, se criminaliza la caza y al mismo tiempo también una cultura. En efecto, estamos notando una actitud más agresiva de parte de las organizaciones protectoras de animales.

Poco tiempo antes de navidad, en la oficina donde estaba empleada, recibimos una carta de una organización protectora de animales de Alemania. Habían constatado que no existían organizaciones protectoras de animales en Groenlandia y por eso querían poner su pericia a disposición, para fundar organizaciones con el propósito de impedir la crueldad con los animales. Según lo que escriben en su carta, se podrá obtener los mejores resultados si se forman organizaciones que se encarguen de cada grupo individual de animales, por ejemplo una organización para ballenas, una para focas, aves, perros etc.

Una semana más tarde, me llamó por teléfono el autor de la carta quien insistió en que se tomaran medidas al respecto inmediatamente. Intenté explicarle que no existen acciones de crueldad contra animales en Groenlandia y que nosotros mismos tenemos que fundar las organizaciones que consideramos necesarias.

Recibimos muchísimas solicitudes de este tipo y en las Islas Faeroes ha sido necesario emplear a una persona únicamente para contestar las cartas de las organizaciones protectoras de animales. La carta de Alemania refleja una falta de conocimiento de la situación en Groenlandia y es curioso que la carta recomendaba que no se hagan parques zoológicos en Groenlandia. No quiero afectar al derecho de la gente a dirigirse a nosotros acerca de ésto o cualquier otra cosa, pero me gustaría que antes se examinaran en profundidad las circunstancias.

Un denominador común para los países árticos, es el hecho que una población escasa se extiende en territorios muy grandes. La costa de Groenlandia, desde el norte hasta el sur tiene una longitud de más de 2.000 km. Es una distancia como desde Bergen hasta la parte más al sur de España. En esta costa viven 55.000 personas. Es la misma cantidad de personas que hay en el Estadio de Copenhague cuando se juega un partido internacional contra Suecia. Incluso una pequeña asociación protectora de animales tiene mayor número de miembros que el número de habitantes que hay en Groenlandia.

Organizarse en sociedades y organizaciones es un modo de vida para una gran parte de la población mundial. ¿Cómo sería Groenlandia si seguimos la cultura organizativa occidental y formamos organizaciones aisladas para la defensa de las focas, ballenas, aves, bacalao y otras especies de animales, además organizaciones contra la contaminación exagerada, el agujero en la capa de ozono, la bruma ártica, y también un grupo para proteger la selva lluviosa para subrayar que nos interesamos por el mundo exterior. Fácilmente podemos perder de vista la totalidad y es justamente muy importante mantenerla cuando hablamos de problemas ambientales locales, nacionales y de carácter global.

Como mujer, una se extraña al ver quiénes son los líderes de las organizaciones grandes. Hay muy pocas mujeres – ¿será quizás por ésto que se usan métodos de tan mal gusto? Por ejemplo, siempre ha dado buenos resultados cuando se apela al instinto maternal – como las campañas anti pieles, en las cuales se utilizan las focas y zorros recién nacidos para apelar a las madres de todo el mundo.

A menudo, hemos experimentado que algunas organizaciones en un intento por sobrevivir como un organismo económico, muestran un interés especial por un asunto particular y así pierden la totalidad. Esa manera de trabajar es característica del mundo occidental – ningún cazador puede tomarse la libertad de perder ni una sola parte microscópica de la totalidad. El clima, el viento, las costumbres de los animales, el estado del hielo y la marea forman un conjunto de factores, que determina la posibilidad del cazador de conseguir la presa. La capacidad de poder conectar una cadena de informaciones para formar una totalidad para obtener un objetivo, es determinante para la gente que vive de y en la naturaleza.

La conservación de la naturaleza

La conservación de la naturaleza y la protección de la naturaleza, no son conceptos exclusivos de las organizaciones del mundo occidental. En las comunidades locales en Groenlandia se discute diariamente sobre la naturaleza y las circunstancias influyentes sobre la existencia de las varias especies. A menudo la charla diaria resulta en una sanción de las estipulaciones locales que protegen tanto los animales como los métodos tradicionales de caza. Por eso, la captura de

ballenas narvales con bote de motor está prohibida en una extensa zona de fiordos en Thule – se ha introducido esta regla para asegurar la pesca con kayac. Ultimamente, en 1990, una asociación de cazadores ha puesto veto a la navegación con motor en un gran fiordo, con el sólo propósito de procurar que los animales tengan un lugar tranquilo y pacífico.

La contaminación

Cuando hablamos de la conservación de la naturaleza, inmediatamente me hace pensar en el pescador que recientemente navegó 6 horas en su bote abierto que medía 16 pies – con el propósito de mostrar a las autoridades una foca con las aletas posteriores empastadas de petróleo.

Este es el tipo de interés y protección que necesitamos – no sólo de parte de los que utilizan la naturaleza, sino también de parte de la sociedad internacional. La amenaza más grande contra nuestro ambiente, es la contaminación creada por el hombre.

No todos los tipos de contaminación son tan visibles como la antes mencionada »foca en petróleo«. Tóxicos que perjudican el ambiente, la contaminación del aire sin fronteras y los elementos radioactivos que se vierten, es contaminación del mundo industrializado, que a primera vista no se ve, pero por motivos que aún no se ha llegado a comprender, se concentra en el Artico. Es alarmante que no exista una imagen clara sobre la importancia *de todo esto para los* seres humanos y los animales.

En el Artico canadiense se ha comprobado que existe un alto nivel de cloruros orgánicos y entre éstos particularmente el PBC. El PBC es un tóxico ambiental, cuya producción se prohibió en muchas partes del mundo a mitad de los años 70. Siendo el último elemento de la cadena alimenticia, se ha constatado en los *inuit* de Canadá, PBC en la sangre y la leche materna, en cantidades que se consideran peligrosas para la salud. Las mujeres al amamantar pasan el PBC por la sangre a sus niños, y así se puede medir en los niños una concentración de PBC relativamente más alta.

A alto nivel político y profesional se ha discutido seriamente si se debe informar a la gente sobre el hecho de que viven en una zona en la cual existen peligros para la salud. También se ha discutido si se deben realizar estos estudios ya que no existe la posibilidad de recomendar soluciones alternativas.

Es irónico que las organizaciones del mundo industrializado después de todo ésto, presentan dos motivos para impedir la pesca de los mamíferos marinos: los principios éticos – **que ellos mismos han introducido** y a causa del peligro para la salud – **que ellos mismos han provocado**.

Conclusión

Por último quiero mostrarles el cuchillo de *las mujeres groenlandesas* – el *ulo*. El ulo es un utensilio que los inuit han utilizado durante miles de años a lo largo del Océano Artico, desde Groenlandia hasta Siberia. El ulo se utiliza para descuartizar, raspar y coser y todavía existe en casi todas las casas en Groenlandia. Me gustaría que este utensilio representara un símbolo del proceso en marcha para reconocer los derechos de los pueblos indígenas y locales para utilizar y administrar los propios recursos. El ulo representa más que cualquier otro instrumento, la conjugación entre el ser humano y el ambiente, y nos hace recordar que continuamente necesitamos alimentos y ropa.

La hoja del cuchillo podría representar el horizonte y precisamente el horizonte ha tenido mucha importancia para el pueblo ártico. En el mes más oscuro del invierno nuestros antecesores volvían la mirada hacia el sur para otear dos estrellas – dos estrellas que se llaman Asuutit o Sirius. Cuando Asuutit aparecía en el horizonte, significaba que el sol estaba en camino de retorno y con el sol, también la vida.

Y estamos encaminados hacia un futuro más luminoso.

¡Gracias! ❑

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¿Los derechos ambientales como disfraz de abusos culturales?

Por: Georg Blichfeldt

En primer lugar quiero agradecer a los organizadores por la invitación y por la ocasión que hemos tenido para presentar los puntos de vista de los cazadores y pescadores del norte. La organización que represento, Survival in the High North (Supervivencia en el Alto Norte), tiene como objetivo defender los derechos de los cazadores y pescadores a utilizar los recursos renovables del mar. Hay que subrayar que este derecho está limitado por el deber de no perjudicar las posibilidades de una futura explotación de los recursos. Los miembros de la organización son todas las organizaciones de interés más importantes de los pescadores y cazadores de Groenlandia, las Islas Faeroe y el norte de Noruega.

El tema es los derechos ambientales y los derechos humanos. En los últimos años, las comunidades de cazadores del norte han experimentado que las campañas para impedir la caza y la pesca les han quitado el sustento, el trabajo – todo el fundamento de su cultura, su espacio vital y su identidad. Les han quitado derechos que están claramente definidos en la Declaración sobre los Derechos Humanos de las Naciones Unidas. Un gran número de las personas responsables de las campañas se presentan como defensores del ambiente. ¿Esto significa que nos encontramos en un conflicto entre los derechos humanos y los derechos ambientales en el cual la balanza se inclina a favor del ambiente? Existen muchos ejemplos de lugares de trabajo, en empresas dañinas desde el punto de vista ambiental, que han sido cerradas y con razón. ¿Es ésto un conflicto entre culturas donde una de las partes implicadas a partir de falsas premisas, se refugia detrás de una serie de derechos universales y utiliza el poder para extender las posturas y los valores de su cultura? ¿Qué significa en realidad la violación de los derechos ambientales? ¿Qué contenido tiene este nuevo concepto?

Georg Blichfeldt.
Survival en the High North.
Foto: Jørgen Abelsen.

Principalmente, deseo utilizar el caso de la pesca de la pequeña ballena rorcual (»vågehval« en noruego) para elucidar estas cuestiones. Yo hubiera podido elegir cualquier cultura de caza y pesca en el Norte occidental. Todos han experimentado el mismo tipo de conflicto. Pero justamente la caza de ballenas por el sistema antes mencionado, es algo que conozco de cerca. En mi aldea, Reine en Lofoten, seis de las barcos pesqueros más grandes tenían una licencia para ésta pesca de ballenas antes de que se prohibiera provisionalmente en 1987.

Voy a empezar por el principio. Esta pesca de la ballena, con los métodos de caza y pesca que se han utilizado hasta 1987 - empezó aproximadamente en 1930. Esta ballena ha obtenido su nombre por los métodos de pesca que se utilizaban anteriormente. La ballena era acorralada en una bahía. Se la mataba con flechas envenenadas y era encerrada en la bahía hasta que muriera por envenenamiento. Este tipo de pesca fue más o menos extendido en el transcurso de los siglos, pero en la zona alrededor de Bergen se respetó esta tradición hasta fines de siglo.

La captura de ballenas y focas ha sido el fundamento alimenticio desde tiempos remotos, desde que el hombre puso pie en la costa noruega. En fuentes informativas escritas hace mil años se describe la pesca de ballenas. Las grandes, lentas ballenas de barbas, ricas en grasa, la ballena groenlandesa y el corsario nórdico, que también se llama ballena rorcual, se pescaban desde barcos abiertos en alta mar. El globicéfalo se pescaba de la misma manera que la pequeña ballena rorcual. Había un gran número de ballenas, como la ballena azul, la ballena de aleta y la ballena jorobada, que no se podían capturar con la tecnología de aquellos tiempos. Los noruegos llevaron consigo las tradiciones acerca de la caza y la pesca a Islandia y a las Islas Faeroe donde fueron amoldadas a las circunstancias locales. La pesca del globicéfalo en las Islas Faeroe es una tradición que se ha mantenido durante varios siglos.

La pesca de la ballena rorcual pequeña nunca ha sido considerada una ocupación provechosa por las fuerzas capitalistas implicadas en la pesca industrial de ballenas a

gran escala. Esta ballena era demasiado pequeña y daba menos provecho de aceite que otras especies. Es la más pequeña de las ballenas de barbas y puede medir hasta 9 metros. Esta ballena en el Atlántico nororiental recorre la costa norte noruega durante la primavera y el otoño y durante el semestre de verano busca alimentos en el Océano Glacial Artico y en el Mar de Barents.

Desde 1920 los pescadores empezaron a instalar motores en sus barcos y así tuvieron la posibilidad de probar fortuna con la pesca de la ballena. La ballena era una presa accesible. Se utilizaban barcos tan pequeños como hasta de 30 pies. La pesca de la ballena rorcual pequeña llegó a ser una parte de la adaptación a las estaciones de un gran número de los barcos pesqueros. Los pescadores costeros siempre han tenido que hacer uso de la pesca diversificada en base a un modelo estacional y en algunos casos han tenido que dedicarse a los tiburones – y ahora también a la ballena rorcual pequeña. La temporada de pesca duraba desde el principio de marzo hasta setiembre. Más tarde, se limitó la temporada como parte de las regulaciones de las autoridades. Al principio, se arrastraba la ballena hasta la costa y después era descuartizada. Mas tarde lograron izar la ballena a la cubierta del barco por medio de la tecnología moderna, para después descuartizarla y cortar la carne en grandes bloques para cargarlos a bordo.

Era más que nada la carne que tenía valor. Al principio como alimento para los animales, pero los duros años 30 y especialmente la falta de alimento durante la guerra, enseñaron a la gente a apreciar el bife de ballena. Hoy día, los habitantes de la costa consideran la carne de ballena como un plato exquisito. Puedo afirmar que esto es verdad. Antes de la reducción de la pesca desde el principio de los años 80 la mayor parte de la carne terminaba en las cocinas de los noruegos. Una gran parte se exportaba al Japón. Los japoneses también aprecian la grasa de ballena y ésta también era vendida en Japón.

Cuando la pesca fue prohibida en 1987, un total de 53 barcos pesqueros tenían el permiso de las autoridades para pescar esta ballena. Entonces los barcos pesqueros tenían una longitud media de 65 pies. Con unas pocas excepciones, pertenecen a lo que llamamos la flota costera aquí en Noruega. La mayor parte combinaba la pesca de la ballena con la pesca con red o sedal en la temporada de invierno y con diversas adaptaciones en otoño y primavera. Los pescadores de Islandia también han aplicado la misma combinación de pesca de ballenas y peces. En este caso también se ha detenido la pesca.

Se puede decir que los barcos representan una empresa familiar. Generalmente pertenecen a una sola familia, pero en muchos casos también pertenecen a dos hermanos o al padre y al hijo colectivamente. Un gran número de las familias han sido balleneros durante tres generaciones. Normalmente pasan el barco de padre a hijo. Nadie tiene más de un barco. El dueño siempre trabaja a bordo. Generalmente la tripulación no recibe un sueldo normal - sino una parte, esto quiere decir que recibe una parte de la pesca. El valor de lo que se ha pescado se divide en una parte para el barco y en partes iguales según el número de la tripulación. En este caso, el más joven que participa en la pesca por primera vez, recibe la misma parte que el patrón del barco.

La mayor parte de los barcos pertenecen a las pequeñas comunidades costeras. También la congelación y el proceso de embalaje de la carne tiene lugar en las pequeñas comunidades de la costa. La mayor concentración de concesiones de pesca existe en el grupo de islas de Lofoten que está un poco más al norte del Circulo Polar, pero también existen comunidades pesqueras en Helgeland, en Trøndelag y Vestlandet.

En un contexto económico nacional, la pesca de ballenas rorcuales pequeñas no tiene mucha importancia. Antes de reducir la actividad pesquera el valor inicial alcanzaba aproximadamente 75 millones de coronas. Un valor que se duplicaba mediante el embalaje, congelación y el volumen de ventas de primera mano. Pero para cada barco la pesca alcanzaba aproximadamente el 60% de la base de ingresos y también tiene mucha importancia para las comunidades costeras concernientes. Por ejemplo, en la aldea donde vivo, los seis barcos con licencia de pescar ballena eran unos lugares de trabajo muy buenos para la juventud. La mayor parte de los barcos de la aldea son para una persona. Para poder comprar un barco de este tipo, es necesario que el joven haya trabajado como tripulante en uno de los barcos más grandes, con sueldo alto, durante unos años. Los barcos balleneros eran de los pocos que procuraban puestos fijos de trabajo durante todo el año. Tampoco había la misma inseguridad de ganancia en la pesca de ballenas como en otros sectores pesqueros. Por eso, hasta 1987 estos seis barcos han sido el espinazo en el reclutamiento de jóvenes para la industria pesquera de Moskenes. Hoy día, solamente da trabajo para cuatro o cinco meses, y con la pérdida del elemento más importante de su adaptación económica, es poco probable que sobreviva un cambio de generación. Reine es una comunidad costera que ha experimentado la emigración en los últimos años. No hay que dar por descontado que esta comunidad tenga futuro.

En una evaluación económica de la pesca de la ballena también es pertinente tomar en consideración el rol de la ballena como comedora de peces. Es un animal omnívoro y su alimentación incluye krill, arenque, eperlano y bacalao grande. Para ilustrar la cantidad de su consumo de peces me voy a referir a un cálculo a modo de ejemplo. Si las ballenas del Atlántico nororiental decidieran comer arenque exclusivamente durante un mes, consumirían una mayor cantidad de arenques de lo que los pescadores noruegos pescan durante un año entero. Por el momento, no se ha estudiado detalladamente el consumo de alimentos de la ballena rorcual pequeña para poder manifestar algo seguro sobre su interacción con la cantidad de peces en el mar. Se iniciará un estudio de este tipo este año en un proyecto de investigación que incluye la captura de 382 ballenas durante un período de tres años. Esto es una parte de las tentativas para desarrollar modelos de administración tomando en consideración la interacción entre especies y niveles en el ecosistema.

Los Estados Unidos fueron los que prohibieron la pesca de la ballena rorcual pequeña a los pescadores noruegos. Una amenaza, que consistía en la aplicación de sanciones contra productos pesqueros de Noruega en el mercado americano, doblegó al gobierno noruego. Pasadas dos semanas desde el momento en que el gobierno noruego había recibido las amenazas presentadas por los Estados Unidos, el gobierno noruego decidió en medio de las vacaciones de verano, en junio de 1986, prohibir la pesca después de la temporada de 1987. Dijeron que la prohibición de pesca era temporaria y que iban a hacer preparativos para poder reanudar la pesca en 1990.

Lo paradójico del autoadjudicado papel de los Estados Unidos como policía internacional de la pesca de ballenas, está en que los pescadores americanos – con la bendición de las autoridades americanas – durante la pesca de atunes cada año matan a un número que alcanza hasta 20.000 delfines como pesca secundaria y después los echan en el mar.

Las autoridades noruegas ya habían sido afectadas por las grandes manifestaciones en el extranjero contra la pesca de la ballena en Noruega. Greenpeace accionaba contra

los pescadores noruegos en las zonas de pesca.

En los años 80 Greenpeace organizó boicots en contra del consumo de productos noruegos. En una carta interna »estrictamente confidencial« del líder danés de Greenpeace, Michael Gylling Nielsen, al jefe de Greenpeace International ponía: »Hemos llegado a un punto donde deberíamos comenzar a considerar la iniciación de la próxima parte de nuestros planes de acción para impedir las objeciones de Noruega mediante la presión económica. Sugiero enviar cartas informativas a todas las agencias de turismo en los Estados Unidos.... Esto sería realizable y podríamos hacerles comprender que tenemos muchas formas y métodos de trabajo. ... La industria petrolera podría implicar más complicaciones pero no sería imposible .... Un sólo contrato detenido crearía un problema enorme para la industria petrolera de Noruega.«

¿Cuáles son las razones para que una organización que tiene como objetivo proteger el ambiente elija un par de víctimas entre las naciones del mundo y se dedique a la guerra económica. Son acaso Noruega e Islandia los que constituyen la amenaza mayor contra el ambiente? La razón es el peligro de la extinción de la ballena rorcual pequeña, afirma Greenpeace.

Es verdad que a principios de los años 80 no se conocía con seguridad el alcance de la cantidad de ballenas y que los conocimientos básicos para la administración no eran suficientes. Para remediar esta situación las autoridades noruegas establecieron un programa a gran escala para contar los animales. Con base en estos resultados la Comisión Científica de la Comisión Internacional de la Pesca de Ballenas ha concordado que la cantidad de ballenas alcanza aproximadamente 68.000 animales en el Atlántico nororiental.

Todo esto, junto con el análisis de datos sobre la caza y la pesca muestra que todavía es razonable pescar ballenas y que la pesca de estos mamíferos durante los últimos 50 años, en un término medio de 2.000 animales al año, ha sido conforme a la capacidad de reproducción de los mamíferos. Los recientes resultados investigativos aprobados por la Comisión Científica de la CIPB muestran que hay bases para la captura de esta ballena en el Pacífico sur y el Atlántico medio. El primero ha sido aprovechado por los japoneses, y el segundo por los pescadores islandeses.

Esto es algo para pensar. ¿Cómo es posible que la conclusión de la de la cuestión de la pesca de la ballena rorcual pequeña sea totalmente distinta y mucho más positiva que la cuestión de la pesca de las grandes ballenas?

En primer lugar, las fuerzas económicas motrices de las dos culturas pesqueras, son de carácter totalmente diverso. En cuanto a la pesca de la ballena grande, las sociedades anónimas eran los propietarios de las fábricas donde se hierven las ballenas y de los barcos pesqueros que se utilizaban para este tipo de pesca. Los propietarios estaban en las oficinas y exigían la mayor ganancia posible de su capital, lo más rápido posible. Si la ganancia bajaba a consecuencia de la pesca excesiva no se preocupaban con tal que los barcos estuvieran pagados y el capital que habían invertido resultara en una ganancia considerable. Y de este modo se podía invertir el capital en otros proyectos rentables. Un gran número de las compañías de industria naviera en Noruega fueron edificadas por medio de la ganancia obtenida con la pesca de ballenas grandes.

Para el propietario de un barco pesquero con licencia para pescar la ballena rorcual pequeña el barco representa no sólo una inversión de capital. También es su puesto de trabajo. La realización de un proyecto que la familia ha tenido que pagar trabajando duramente durante un período de 50 años más o menos. También es parte de su identidad. Ser el propietario de un barco significa tener un alto estatus. Un ballenero que sea apto para su oficio, consigue un alto estatus y mucho respeto en la comunidad local.

El capital más importante de los balleneros es su competencia en la caza y pesca. No tiene ningún valor en otras relaciones. Normalmente el pescador no tiene otra competencia oficial que la escuela primaria. El barco, la pesca y la caza tienen que dar trabajo y sustento durante toda su vida y preferiblemente a la próxima generación. Todo esto muestra que el propietario de un barco pesquero tiene un horizonte económico a largo plazo contrariamente al accionista de la captura de la ballena grande.

El pescador costero y el ballenero dependen en alto grado del lugar y la cultura. Es una dependencia bilateral. Si no hubiera pescadores costeros la zona estaría despoblada como, por ejemplo, en la parte de Lofoten donde yo vivo. Lo mismo puede decirse de un gran número de los demás pueblos pesqueros a lo largo de la costa noruega. El pescador se interesa por el futuro de la sociedad y la cultura de la cual forma parte.

Sin embargo – a despecho de motivos sociales, a largo plazo, de parte de los que trabajan en este sector: La causa principal del resultado sostenible de la pesca de la ballena pequeña contrariamente a la pesca de la ballena grande, es que la responsabilidad de la administración ha sido definida claramente y la autoridad reguladora ha tenido posibilidades de sancionar y controlar a los ejecutores.

Los primeros mecanismos de regulación que las autoridades noruegas utilizaron fueron una reducción de la temporada de pesca, después una reducción de la cantidad de participantes y más tarde una regulación de la pesca mediante cuotas. Hacia 1987 todos estos modos de obrar estaban en función y la cuota total fue repartida con una cierta cantidad de ballenas entre cada uno de los barcos pesqueros.

Es hora de tratar las preguntas que fueron planteadas en la introducción. ¿Han infringido los pescadores noruegos los derechos ambientales? ¿Es posible que ésto ha sido la razón de que hayan prohibido la pesca y de que los Estados Unidos todavía utilizan amenazas de sanción y Greenpeace anuncia acciones para impedir la pesca en el futuro?

Un grupo de expertos relacionados a la Comisión Brundtland ha llegado a un acuerdo en una reunión en Oslo, en octubre de 1990, sobre un anteproyecto para una declaración acerca de los derechos y deberes ambientales. Es una declaración conforme a la declaración de las Naciones Unidas sobre los derechos humanos, pero más elaborado y con más detalles. La declaración sobre los derechos ambientales comienza con tres principios fundamentales: El primero determina el derecho de cada individuo a un ambiente que sea satisfactorio para su salud y bienestar. El paralelo con el artículo 25 de la declaración de los derechos humanos es sorprendente: está anotado en el artículo 25 que cada individuo tiene derecho a un nivel de vida que sea satisfactorio para su salud y su bienestar. Como en la declaración sobre los derechos humanos, los derechos ambientales están relacionados con el ser humano en forma individual. No están relacionados con la naturaleza como tal. Para ser explícito: los derechos de los animales no existen.

La novedad es que la declaración de los derechos ambientales incluye los derechos de las próximas generaciones. Impone a todos los ciudadanos en el mundo el deber de proteger y conservar el ambiente para beneficio de las generaciones presentes y futuras. Este es el segundo principio fundamental.

Aquí se vincula la declaración de los de-

rechos humanos con el concepto central en el informe de la comisión de Brundtland, es decir: un desarrollo sostenible. El desarrollo sostenible está definido como un desarrollo que hace frente a las necesidades diarias sin impedir las posibilidades de salvaguardar las necesidades de las próximas generaciones. Se realza un elemento importante en la estrategia para lograr un desarrollo sostenible, el traspaso de la utilización de recursos permanentes a recursos biológicos renovables. De este modo, el provecho sostenible – o explotación sostenible – será un nuevo concepto clave. Esto está definido como el aprovechamiento conforme a la capacidad de reproducción de un cierto recurso.

Ninguno de los documentos políticos y ambientales que han sido aprobados introducen restricciones de principio con respecto a los recursos biológicos y las varias especies que el hombre pueda explotar. Al contrario, el nuevo documento político ambiental, que tiene mucha importancia para el futuro y que se llama »Caring for the earth«, elaborado por IUCN, UNEP y WWF, recalca que el hombre es totalmente dependiente de la explotación de otras especies, pero que ésto no debe implicar padecimientos innecesarios o abuso de los recursos.

Lo único y decisivo en la cuestión de si la pesca de la ballena de nuestro ejemplo infringe los derechos ambientales, será la cuestión de si la pesca tiene lugar en conformidad con la capacidad de reproducción de la especie. Para salvaguardar esto hay que:

Punto 1: tener una buen conocimiento acerca de la capacidad de reproducción de esta especie.

Punto 2: tener un régimen capaz de determinar un volumen de pesca que se mantenga dentro de los marcos de la reproducción y sea también capaz de controlar que las restricciones sean respetadas.

Estas condiciones se cumplen en lo que respecta a la pesca de la ballena por parte de los pescadores noruegos.

En el último año ha quedado en claro que los motivos de los que lograron impedir la pesca de la ballena no están relacionados con la protección del ambiente o un desarrollo sostenible. Pero de todos modos consiguen hacer que la prohibición siga estando en vigor mediante continuas amenazas de perjudicar la economía noruega si se permite la pesca de ballenas de nuevo. Ahora, la mayor parte de ellos reconoce que se ha documentado científicamente que se puede pescar algunas especies de ballenas de modo sostenible. Pero la posición que dicta una prohibición total de la pesca de la ballena de carácter comercial todavía está en vigor. John Gummer, el Ministro británico de Agricultura y Pesca, y John Knauss, el comisionado americano frente a la Comisión de la Pesca de la Ballena, forman parte de los que apoyan una prohibición total. Recientemente, John Knauss ha declarado a la prensa que sigue defendiendo la posición de los Estados Unidos que está a favor de una prohibición total de la pesca comercial, pero ahora basándose en la ética ya que no es posible defender este punto de vista sobre la base de una argumentación científica y biológica. Me refiero a la Comisión Americana de Mamíferos Marinos, »Marine Mammal Commision« que da consejos al gobierno americano en asuntos sobre ballenas. Recomiendan que los Estados Unidos tomen iniciativa para transformar a la CIPB en un órgano para la protección absoluta de la ballena. Y que en el futuro, los estatutos de la CIPB no tengan base en principios biológicos y científicos sino en criterios éticos. Con esto me refiero a Robins Barstow; el líder de la organización por la protección de la ballena »Cetacean Society International« que escribe: ya que la explotación de los recursos balleneros es aceptable, no existe duda de que por lo menos algunas especies puedan sobrevivir sin la amenaza de ser exterminadas, si se regula la pesca. Por eso, los argumentos contra la pesca de la ballena no pueden basarse en la amenaza de exterminación. Hay que encontrar otros motivos«.

Greenpeace ha anunciado que el número de ballenas no cambia su punto de vista. La Organización mundial para la Protección de la Naturaleza ha anunciado que la norma dominante en las naciones del mundo es que no se debe matar a las ballenas y esta organización también sigue esta norma sobre una base ética.

¿Pero por qué? ¿Cómo puede ser que justamente más de 70 especies entre todos los animales del mundo, sean excluidas del principio de una explotación sostenible? Nueva Zelanda nos da la explicación de su propuesta para el congreso de UNCED en Brasil. La propuesta consiste en una protección constante de todas las especies de ballenas en el futuro. Nueva Zelanda ha declarado que dan su consentimiento entero al principio de una explotación sostenible de los recursos renovables; **pero**... las ballenas no pueden ser consideradas como un recurso explotable porque se trata de (citado) »seres particularmente inteligentes... similares al hombre en el mar ....nuestros conciudadanos en el globo que probablemente nos pueden enseñar muchas cosas«.

Hemos llegado al quid del asunto: los mitos específicamente culturales, que existen particularmente en el mundo anglosajón y con mayor eficacia en los ambientes urbanos, son los culpables de las campañas contra la pesca de la ballena rorcual pequeña y de que los balleneros noruegos y también otras comunidades pesqueras en el occidente nórdico, hayan quedado sin sustento. Y se trata de mitos. No existe ni la mínima prueba científica, ni indicios que puedan indicar que las ballenas en general, ni tampoco especies de ballenas en particular, sean más inteligentes que otros animales. Lo mismo se puede decir de los mitos que dicen que son más sociales que otros animales, y que su comunicación es más desarrollada, etc., etc.

Entre otras cosas los mitos han tenido su eficacia debido a su relación con los valores »verdes« y la posibilidad de utilizarlos de modo comercial. Su potencia también está en su salvaguardia de las necesidades emocionales y sociales en ambientes urbanos. A causa de la falta de naturaleza y la nostalgia por la naturaleza, los ciudadanos adoran los símbolos de la naturaleza. El más grande y más fuerte de todos es la ballena.

La declaración de los derechos humanos confirma que todos los ciudadanos tienen derecho al trabajo y derecho a elegir su profesión libremente y a la protección contra la desocupación, y que todos los ciudadanos tienen el derecho a desarrollarse culturalmente. Los protectores de las ballenas violan los derechos humanos de los balleneros con la adoración del símbolo de la ballena.

El ataque al derecho a la pesca de la ballena, es el primer obstáculo a nuestro derecho a explotar los recursos renovables marinos. Por eso no podemos ceder.

Este es un conflicto entre culturas. Sabemos cual de las dos partes tiene los medios coercitivos más eficaces a su disposición. Y también sabemos cual es la cultura más expansiva. Estamos notando una creciente unificación cultural en todo el mundo.

En el universo de los protectores de la ballena no existen conflictos culturales. Solamente existen culturas más o menos informadas y culturas en diferentes fases de desarrollo en la misma escala de civilización. La característica más ilustrativa del nivel de desarrollo de una cultura es su actitud hacia las ballenas. »Está bien que se pescara la ballena en la época en que llegamos al país, hace 20.000 años.... pero hoy día, en nombre

de nuestra cultura desarrollada, debemos poder dejar vivir a las ballenas«; dice el líder de Greenpeace en Noruega, Bjørn Økern.

Si se aprueba la propuesta de Nueva Zelanda a la Conferencia Ambiental de la ONU en Brasil, de salvaguardar a las ballenas sobre una base ética, esto tendrá consecuencias en cuanto a los derechos de pesca de los pueblos indígenas. Su adaptación a la naturaleza se calificará como poco ética y sin ningún valor.

La manutención de la diversidad biológica tiene hoy la mayor prioridad en la lucha por nuestro futuro común. Pero también se puede considerar los problemas ambientales como problemas de origen cultural. La cultura occidental urbana incluye una escala de valores que conduce a un desarrollo humano, una organización de la sociedad y una adaptación a los recursos de la naturaleza que no es sostenible, que hace imposible que las próximas generaciones puedan realizar el derecho a un ambiente y un nivel de vida satisfactorios para su salud y bienestar.

En otras culturas existen escalas de valores alternativas, una organización alternativa de la sociedad y una adaptación alternativa a la naturaleza en armonía con el principio de la sostenibilidad. Aquí está lo importante – podemos llamarlos los genes culturales – e importante conocimiento – en el trabajo para desarrollar adaptaciones sostenibles.

Las tentativas determinantes en cuanto a los derechos ambientales están en un cambio de la cultura occidental. Los intentos de acusar a las comunidades de pescadores y cazadores del norte de ser culpables de la contaminación del ambiente, no es nada más que una mezquina maniobra de diversión y una desviación total de la lucha por el ambiente. ❑

Publicaciones recibidas

WENZEL, George,
***Animal Rights, Human Rights: Ecology, Economy and Ideology in the Canadian Arctic. (Los Derechos de los Animales, Los Derechos Humanos: Ecología, Economía e Ideología en el Artico Canadiense).* University of Toronto Press 1991.**

George Wenzel ha escrito un libro sobre la controversia acerca de las focas – sin escribir mucho sobre los movimientos por los derechos de los animales. Su libro *Los Derechos de los Animales, Los Derechos Humanos* es una detallado análisis etnográfico del poblado *inuit* de Canadá, Clyde River. Wenzel lo llama una »cultura tradicional *inuit* en el mundo moderno«. Nuestra relación con los protectores de los animales se efectúa por medio de la ecología de la comunidad de Clyde River y la práctica acerca de la caza de focas. Es esta perspectiva la que hace al libro muy interesante.

Los conceptos de tradición y subsistencia están puestos en relieve a través de todo el libro. Un elemento esencial de la caza moderna de la foca que los *inuit* practican es que la subsistencia es una condición previa para la caza por trampas comercial y otras actividades puramente monetarias. Aunque la caza de focas tenga sus aspectos comerciales, es una actividad de subsistencia porque está basada en una relación entre el hombre y los animales que cumplen con sus mutuas obligaciones y porque une a todos los miembros de la comunidad en una red de obligaciones compartidas.

Las campañas por la foca han tenido un efecto aplastante en todo el Norte. Incluso la Comunidad Económica Europea ha adoptado el punto de vista de los derechos de los animales. Esto ha resultado en una prohibición sobre las pieles de focas pequeñas (1983) y recientemente en una prohibición de pieles de animales que han sido atrapados en trampas. Wenzel sostiene que las campañas por la foca representan no solamente un ataque a los mercados de pieles de los *inuit*, sino también un ataque a toda la estructura de sus culturas.

La defensa antropológica de George Wenzel, tiene el propósito de presentar la caza de los *inuit* de Clyde River en un mundo moderno, donde el asunto principal es el derecho de los *inuit* a mantener el control de sus propias culturas. Esto resulta en una crítica de la destrucción histórica efectuada por los movimientos por la protección de los animales para privar a los *inuit* de su pasado y también del derecho a tener un futuro. Su punto de vista, es que »para los *inuit*, tradición y subsistencia son realidades actuales mientras que para los que se oponen a la caza de focas, se refieren a un modo de vida idealizado que los *inuit* llevaban hace quinientos años«.

Enfrentados a una ignorancia creciente y a prejuicios contra la cultura, economía y sociedad *inuit* de parte de los activistas por los derechos de los animales y la población del Sur en general, el análisis de Wenzel tiene mucho que ofrecer como contrapartida. Esto llena un vacío en el debate ya que los que protestaban, han logrado controlar el debate sobre la caza de focas y sus puntos de referencia hasta el momento.

Chile:

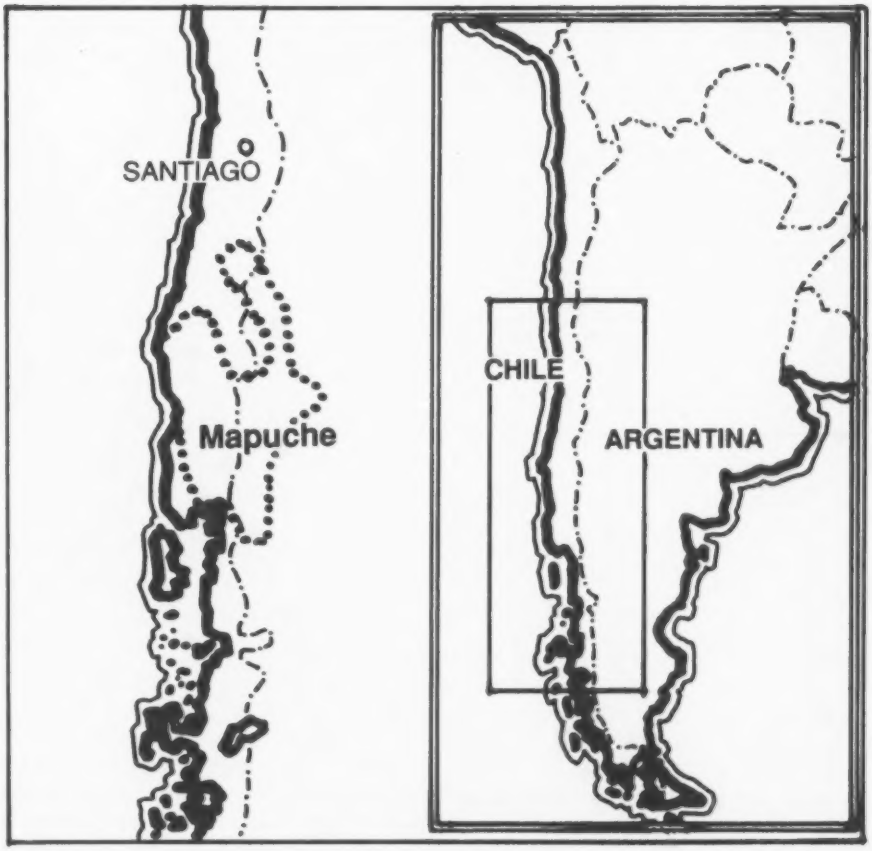
Amenaza de expulsión sobre los Mapuches

Por: Reynaldo Mariqueo

El conflicto creado por el Estado Chileno y empresario *huinca* (blancos) se ha agudizado dramáticamente estos últimos días, la tensión e incertidumbre reina en toda la región de la Araucania (territorio ancestral de la nación Mapuche).

La reactivación de una orden judicial cursada por la Corte Suprema de Justicia en Julio de 1990 que ordenó el desalojo de los *mapuche-pehuenche* de sus tierras ancestrales está por ejecutarse. Lo injusto de la sentencia y los métodos agresivos de la policía está internacionalizando un problema doméstico que con buena voluntad, justicia y sentido común lo habría relegado a un mero problema regional.

El desproporcionado e injustificable plan policial hoy en marcha para expulsar forzadamente a los pehuenche de sus tierras, no ha logrado intimidar a los mapuches y lejos de calmar los ánimos, los ha encendido como un polvorín pronto a estallar. La movilización desde tres provincias de un fuerte contingente policial de alrededor de 400 uniformados, con vehículos militares, autobuses, furgones, caballos, perros, helicópteros, para desalojar a 150 pehuenches, que incluye, ancianos, mujeres y niños constituye un hecho sin precedente en tiempos de democracia y una provocación prepotente y altanera contra el indefenso pero digno pueblo mapuche. Sumado al traslado de policías se ha puesto en práctica un cuidadoso plan »preventivo« en toda la región de la Araucania, para aplastar cualquier expresión de apoyo y protestas de organizaciones mapuche y de solidaridad que se oponen al desalojo. La totalidad de las organizaciones mapuche se han declarado en »estado de alerta permanente« y los pehuenche han afirmado que están »dispuestos a entregar sus vidas si es necesario«. La operación policial y los métodos preventivos tiene en



la práctica las características propias de la implantación del »estado de sitio« en toda la región, atentados por la policía de secuestros de menores para su interrogación como método de intimidación, el control y fichaje de todas las personas que viajan o vuelven de la región en conflicto, así lo demuestra. A esto se suman las actividades irrestrictas e impunes de elementos de extrema derecha, que amenazan y persiguen a dirigentes de organizaciones mapuche, destruyen expresiones artísticas, como pinturas, que se exhiben en galerías y rayan con consignas racistas y neonazis. Mientras tanto los mapuche-pehuenche sufren física, económica y psicológicamente por el dilatado litigio que les ha impedido cultivar sus tierras, cosechar el *pehuen* (piñón) y la prolongada y severa tensión psicológica a que han sido expuestos. Pronto llegará el invierno en la región precordillera de Los Andes en la cual la nieve puede alcanzar dos metros de espesor con 25 grados bajo cero. Aislados sin provisiones los pehuenche estarán expuestos al hambre y la miseria.

Los mapuche-pehuenche

El vocablo *pehuenche* significa gente de los

Manifestación mapuche en Chile. Foto: IWGIA.

pinos (*pehuen*=araucaria y *che*=gente). Su nombre indica la estrecha relación con la naturaleza, de la cual dependen tanto en lo cultural, económico y espiritual. La comunidad está ubicada en la zona de Quinquen, en los falderos precordilleranos de Los Andes en la provincia de Cautin, en el sur de Chile. Los mapuche-pehuenche descubren que el estado chileno declaró unilateralmente su territorio propiedad del fisco y sin su conocimiento ni consentimiento procedió en 1918 a venderlo. Los compradores no obstante de estar informados que en el territorio vivían los pehuenche, motivados por la avaricia y el bajo precio, alentados del aval judicial de las leyes chilenas no dudaron en »adquirirlo«. Debemos señalar que el pueblo mapuche era dueño de los territorios de la zona Quinquen antes de la creación del Estado Chileno (1810), siguieron ejerciendo jurisdicción y habitándola durante la invasión militar conocida como »pacificación de la Araucania« que concluyera en Chile en 1883, y siguen siendo dueños y habitando dichos territorios hoy. Sin embargo el más alto tribunal de los chilenos la Corte Suprema de Justicia pasó sentencia en favor de los empresarios y ordena el desalojo de los mapuche-pehuenche de sus tierras ancestrales. El conflicto cobró vigencia nacional cuando en 1987 el Gobierno del general Pinochet aprobó el Decreto 141 que permitía la explotación del árbol araucaria o pehuen previamente protegido por la ley nacional. Los »propietarios« que nunca han ejercido control del valle de Quinquen, trasladaron entonces a la zona aserraderos para iniciar la tala de bosques. La protesta de los pehuenche no se dejó esperar y pronto se sumaron organizaciones indígenas y sociales que impidieron la explotación del pehuen.

El veredicto del tribunal chileno ha sido rebatido por la opinión pública nacional como injusto y su rechazo ha sido expresado mediante amplias muestras de solidaridad con los mapuche-pehuenche. El actual gobierno ha tomado numerosas medidas para impedir la expulsión de los pehuenche, tales como declarar el Pehuen (Araucaria) monumento nacional (para prevenir su explotación) luego declarar el territorio Reserva Nacional (para evitar la expulsión de los pehuenche), al mismo tiempo que negociar con los empresarios la compra de toda la región en conflicto. Al fracasar las conversaciones por el alto precio que piden los empresarios (10 millones de dólares), el gobierno envió al parlamento un proyecto de ley para la expropiación de territorio, aunque no clarifica la tenencia y control del mismo, dejando así en la incertidumbre a los pehuenche sobre si el derecho ancestral de su territorio ha sido considerado. Un pro-

blema creado por el estado y empresarios que les cabe entre ellos resolver, involucran al mapuche que a su vez pierde un juicio que nunca debió existir y cuya solución depende del vendedor y comprador de bienes ajenos. La acción del alto tribunal chileno nos muestra una vez más la total complacencia hacia los derechos indígenas.

Mientras el caso se ventila en el Parlamento, prominentes parlamentarios chilenos de derecha, centro y algunos de izquierda, elegidos (en la zona mapuche) por y para servir a los chilenos -no a los mapuches- pero que al mismo tiempo aseguran representar a los mapuches en el congreso, saliendo en defensa de los empresarios, argumentan que el proyecto de expropiación por el estado del territorio de Quinquen (hoy en discusión en la cámara de diputados) »atenta el derecho de propiedad establecido en la constitución chilena«, por supuesto que se refieren al derecho de propiedad de los chilenos no al de los mapuches, porque de ser la ley aplicable con igualdad a todos los habitantes de la república, los pehuenches deberían haber ganado el juicio y obtenido recompensa por las inconveniencias causadas. El veredicto de la Corte Suprema pareciera indicarnos que la ley y los derechos constitucionales se aplican de acuerdo al origen racial de los implicados.

La aplicabilidad del doble estándar de las leyes chilenas a través de la vida republicana ha sido una y otra vez demostrado y el veredicto de Quinquen puso en evidencia la discriminación y contradicciones de intereses entre ciudadanos chilenos y mapuches. Los casos de usurpación de las tierras mapuches se prolongan por años sin solución, por otra parte, cuando los mapuches protestan y toman medidas prácticas para recuperar sus tierras, la acción y el peso de la »Ley« chilena está de inmediato, la orden de desalojo es cursada al instante, confirmando así el rol racial de la justicia, garante y guardián de los caprichos del usurpador, mostrando abiertamente al mapuche la carencia de justicia en los tribunales chilenos.

La norma de los altos tribunales chilenos, en los cuales los mapuches no están representados, es la mejor garantía que tiene el huinca para despojar »legalmente« al mapuche de sus tierras. De no ser así los tribunales chilenos deberían explicar los innumerables juicios adversos para el mapuche, los dilatados casos pendientes y la reducción sistemática del territorio de la nación mapuche. La frustración del mapuche de encontrar justicia dentro de los canales oficiales para la recuperación de sus tierras, nos muestra la inefectividad de los tribunales chilenos, empujando al mapuche a tener que recurrir a sus propias iniciativas y formas de recuperación. Como resultado, los tribunales chilenos están irremediablemente desprestigiados dentro del pueblo mapuche, pues ya es pérdida de tiempo recurrir a ellos. Los aparatos del estado al no contemplar mecanismos especiales, prueban ser inoperantes y su aplicabilidad dentro del pueblo mapuche se está cuestionando sistemáticamente. El pueblo mapuche necesita de un tribunal justo e independiente para presentar sus casos porque la esencia y representatividad de estos, como quedó demostrado en el »caso« de los pehuenche que ha probado ser moralmente inaceptable para el pueblo mapuche.

Cuando España y los gobiernos latinoamericanos se aprontan a celebrar el V Centenario de la llegada de los Europeos al continente Americano, muchos intelectuales criollos haciendo un análisis retrospectivo de un pasado negro en la historia universal causado por sus predecesores, por el genocidio, la esclavitud y la destrucción de florecientes civilizaciones, dan la impresión de un período superado por el avance de la civilización contemporánea. En la práctica los atropellos, la destrucción de culturas junto al medio ambiente natural de los pueblos indígenas continúan como ayer, el caso de los mapuches-pehuenche es sólo un ejemplo de la realidad de un país de las Américas que se autodefine democrático, moderno, respetuoso de los derechos humanos y civilizado. ❑

Nuevo documento IWGIA

CARRETERAS, INDIOS Y AMBIENTE EN LA AMAZONIA
DEL BRASIL CENTRAL AL OCEANO PACIFICO

por Mauro Leonel U$ 12

La lucha de los yanomami por su territorio

Entrevista con Claudia Andujar, coordinadora del CCPY (Comisión para la Creación del Parque Yanomami)

Por: Teresa Aparicio

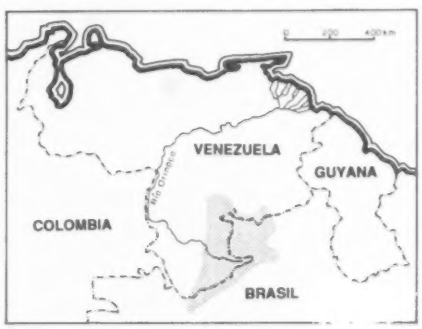
Claudia, durante casi 20 años tu has luchado por los derechos territoriales de los yanomami y ahora el gobierno brasileño les ha garantizado estos derechos. ¿Cómo te sientes con respecto a ésto?

- Bueno, por supuesto ésto es un importante logro político. Sin embargo, lo que sucedió en noviembre no fue la demarcación en sí misma sino la aceptación, por parte del gobierno de Brasil, a proceder a la demarcación y ésta comenzaría a comienzos de este año, probablemente en el mes febrero.

El Ministro de Justicia anunció la intención de demarcar el área *yanomami*, a través de un pronunciamiento público hecho por el Presidente Collor, estableciendo que el territorio yanomami debería ser un área continua, tomando en cuenta todas las aldeas yanomami conocidas. Esto quiere decir que cubre un área de aproximadamente 94.000 km², las tierras que el CCPY y otras organizaciones han luchado durante dos décadas.

¿Cómo comenzó tu compromiso con la causa yanomami?

Durante mucho tiempo he estado interesada en trabajar con grupos indígenas. Mi primer contacto tuvo lugar con los indios



karajá a finales de la década de 1950 y en forma intermitente a través de mi trabajo como periodista fotográfico, pero en mayor medida como ser humano llegué a conocer sus necesidades y cómo eran tratados por el mundo. Me comprometí con su causa, primero visitando poblaciones indígenas en la década de 1970. Visité y residí con los *karajá*, los *bororo*, los *xicrin*, los *kaiapó*. En 1971 hice mi primer viaje a los indios yanomami. En realidad fui enviada por una revista brasileña llamada »Realidade« para realizar un extenso trabajo de periodismo fotográfico en la Amazonía y yo sugerí que se debería incluir una profunda crónica de presentación sobre la población indígena de la Amazonía. Fue en ese entonces que tuve mi primer encuentro con los yanomami. Fue durante la construcción de la carretera Trans-Amazónica cuando me interesé en el área amazónica. Después de acabar con esta tarea, decidí suspender mi trabajo comercial como periodista fotográfico y solicité una beca de estudios a la Fundación John Simon Guggenheim de Nueva York. Fue en ese momento cuando decidí trabajar con los yanomami. Pude trabajar durante dos años con la ayuda de dos becas, yendo y viniendo a los yanomami; esto fue antes de la construcción de la Carretera Perimetral Norte. De todos modos, desde ese entonces jamás dejé de ir o trabajar con los yanomami.

¿Qué fue lo que te hizo entrar tan profundamente en la vida de los yanomami?

- Desde un comienzo estuve muy interesada en trabajar con un pueblo que había experimentado poco contacto, y por lo tanto los yanomami me interesaron. Son uno de las mayores pueblos en América que todavía se mantienen en los primeros estadios de contacto. A través de ellos terminé también comprendiéndome mejor a mi misma.

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Tu actividad fotográfica sobre los yanomami ha obtenido varios premios internacionales. Lo que más me impresiona de tus fotos es tu capacidad de capturar tanto la intimidad de la persona yanomami como la intimidad y cerramiento de los yanomami como grupo. ¿Cómo lo logras?

- Bueno, hay que trabajar en varios niveles. Hay un nivel técnico que se debe resolver y transformar en un proceso automático para liberarse de la preocupación sobre detalles técnicos. Sólo después de ésto puedes comenzar a concentrarte en lo que quieres decir. Con los yanomami había una continua demanda en resolver nuevos problemas técnicos. Fue un verdadero desafío. En el área en que comencé a trabajar, los yanomami vivían en una extensa casa comunal que era muy oscura por dentro y una buena parte de sus actividades se desarrollaban dentro de la casa. Yo traté de interferir lo menos posible en sus vidas. Traté de resolver problemas técnicos utilizando luz natural. En el primer año de mi vida como fotógrafa entre los yanomami viajaba constantemente entre San Pablo y el área yanomami debido a problemas técnicos. Tras varios experimentos pienso que los pude resolver. Obviamente quería solucionar este problema porque cuanto más llegaba a conocer a los yanomami más quería penetrar en su vida interior como pueblo. Lo que me interesa es una visión interna de un pueblo y su forma de vida y ésto es lo que trataba de lograr. Traté de mostrar, a través de fotografías, cómo los veía y sentía como pueblo y como sociedad. Indudablemente mi trabajo fotográfico es personal. Uno puede tener muchas interpretaciones sobre los yanomami. Todos los que han estudiado y conocido a los yanomami, los ven de diferentes maneras. Yo los veo como intelectuales.

¿Podrías explicarnos la historia de los derechos territoriales de los yanomami, esos derechos que finalmente han sido reconocidos?

- En la medida en que iba conociendo a los yanomami como pueblo, como sociedad, mi trabajo con ellos se expandía. Me interesé en su mitología y en sus creencias religiosas, cómo el shamanismo está relacionado a la estructura de su cultura. Sentí la necesidad de comprender para poder fotografiar. Comencé a fotografiarlos en el 71, y en el 74 el gobierno decidió construir la Carretera Perimetral Norte que penetró sus tierras. Yo estaba allí y vi lo que sucedió durante la construcción de la carretera, algo que me impresionó profundamente. Fue la primera invasión importante de sus tierras; estaban totalmente sin preparación para ello. Como resultado, muchos yanomami murieron en la región de la Carretera Perimetral Norte.

En ese entonces dejé de fotografiar porque los yanomami estaban muriendo y había demasiada poca gente para ayudarlos en su dramática situación. Mi compromiso con ellos llegó a un punto decisivo; una buena parte de mi tiempo lo utilicé tratando de ayudarlos con sus problemas de salud en una pequeña estación misionera, la de los misioneros Catrimani. Los yanomami sufrieron los resultados de la invasión de sus tierras.

El gran problema en ese momento fue que los yanomami no habían sido vacunados y se estaban muriendo de sarampión y otras enfermedades infecciosas que fueron introducidas al área por los trabajadores de las carreteras. Sentí que lo más importante era el cuidado de su salud y a causa de ésto, a causa de la invasión de sus tierras, sentí que había que hacer algo más. La fotografía no era suficiente para proporcionarles sus necesidades inmediatas. Fue en ese momento en que me comprometí en forma »global«.

Tu acabas de describir el primer asalto al territorio yanomami. ¿Qué sucedió después?

- En el momento del primer asalto, la carretera penetró más de 200 kilómetros en su territorio. Fue una gran tragedia quedando en claro cuán vulnerable son los yanomami. Inmediatamente después de la construcción de la carretera en 1977 y 1978, el gobierno brasileño decidió crear 21 pequeñas »islas« como respuesta a sus necesidades de territorio. Evidentemente estas pequeñas islas no era lo que los yanomami necesitaban. Comprendimos que las consecuencias de separarlos en »islas« y permitir los asentamientos en los corredores, significaría el fin de los yanomami como pueblo.

Así, en 1978, nos unimos tres de nosotros: un estudiante de antropología Bruce Albert, que vino a San Pablo, yo misma (estaba en San pablo porque en el 76 había sido expulsada del área por el gobierno brasileño y tenía prohibido regresar) y el misionero Carlo Zacquini. En San Pablo los tres decidimos trabajar en un proyecto que justificase un área continua para los yanomami. Cuando terminamos este proyecto, lo entregamos al gobierno brasileño, pero obviamente sabíamos que esto no era suficiente sino que había que iniciar una gran campaña porque, políticamente, era prácticamente imposible asegurar un área continua para los yanomami. Tenemos que recordar que esto sucedía durante la dictadura militar en Brasil. Eran los primeros comienzos del movimiento por los derechos territoriales a nivel popular y también era el comienzo del movimiento indígena organizado como tal. Formamos una comisión, un grupo de personas que podría hacer trabajo de lobby e informar a la población de Brasil y a la comunidad internacional sobre las necesidades de un área continua para los yanomami. Nos llamamos la Comisión por la Creación del Parque Yanomami.

¿Conoces el área yanomami en profundidad?

- Tengo que dejar en claro que, en 1978, cuando trabajamos en esta propuesta para el área continua yanomami, ninguno de nosotros conocía el área yanomami en su totalidad. Así que ésto explica por qué en ese entonces, el área solicitada al gobierno brasileño para ser reconocida, era un área más reducida. Representaba 70.000 km². Había también una razón política pues como ya he mencionado, teníamos una dictadura militar en Brasil y hubiese sido imposible ir más lejos que éso. Entonces, a causa de estas dos razones, la primer propuesta, si bien era una propuesta audaz, no era la ideal. Y recién en 1981, luego de haber viajado extensamente en las áreas yanomami, tratando de montar un programa de salud, pude conocer la extensión del área yanomami. Conocí las principales regiones y aldeas a lo largo de la periferia del área yanomami y el corazón del país donde vivía prácticamente la mitad de la población. En 1981 y 1984, la FUNAI (Fundación Nacional del Indio) invitó al CCPY a participar en el trazado de una nueva área para el Parque. Tuve la posibilidad de contribuir con un trabajo en profundidad por mi gran conocimiento de la región.

En 1984, tu organización presentó a la FUNAI una propuesta para la creación del Parque Yanomami. ¿Cuál es la diferencia entre esa propuesta y la delimitación que el gobierno brasileño aceptó en el pasado mes de noviembre?

- La delimitación de 1984 es la que me referí anteriormente. Era un momento en la historia de la FUNAI donde hubo una apertura y parecía que era posible lograr la creación, no sólo del área yanomami, sino también de otras áreas indígenas en Brasil. Un pequeño grupo de personas – la antropóloga Alcida Ramos, Carlo Zacquini y yo, nos unimos para elaborar una nueva propuesta, a invitación de FUNAI. Es importante comprender ésto. El gobierno brasileño aceptaría solamente una propuesta gubernamental. Hubiese sido una ilusión creer que una pro-

◀ *Indios yanomami.* ▶
Foto: Claudia Andujar.

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Publicaciones recibidas

Aconteceu Especial: *Pueblos Indígenas en el Brasil*
1987/88/89/90 **CEDI (Centro Ecuménico de Documentación e Información) U$50**

En las 592 páginas de este volumen, el lector encontrará 1142 noticias basadas en 94 fuentes de prensa y fuentes directas; 275 fotografías y 25 mapas y diagramas. Todo este material fue organizado por etnia y/o área indígena, agrupadas en 20 regiones geográficas.

Los hechos y análisis reunidos en este Aconteceu, demuestran de manera contundente que las demandas indígenas dentro de los diferentes planos de la sociedad política del país -local, regional y nacional- han encontrado respuestas favorables en la medida que éstas se alejan del plano local de las áreas indígenas.

Los representantes de muchos pueblos indígenas en Brasilia, con el apoyo de organizaciones civiles y eclesiásticas y respaldo de la opinión pública nacional e internacional, consiguieron garantizar, por primera vez en la historia, un capítulo especial que contempla sus derechos formales básicos en la Constitución Federal de 1988. Pero los derechos reales de la mayor parte de los indígenas fueron duramente golpeados por los intereses económicos regionales y por una política indigenista cada vez más militarizada. Es suficiente recordar la masacre de indios *ticuna* o la invasión del área *yanomami* por millares de buscadores de oro.

Con referencia a la demarcación de tierras, la tónica del período fue la misma. En el gobierno de Sarney, el proceso administrativo de reconocimiento oficial de las áreas indígenas osciló entre la parálisis y las demarcaciones estrictas. Hasta el cierre de este número especial de Aconteceu, el gobierno de Collor, en su primer año de mandato, no había hecho casi nada en la política indigenista.

El futuro inmediato reserva una agenda nacional e internacional repleta de desafíos, amenazas y oportunidades para los pueblos indígenas del Brasil, sus organizaciones y las luchas por sus derechos.

A lo largo de los últimos 15 años, el CEDI ha producido organizado y publicado un extenso conjunto de informaciones y análisis que se transformaron en una referencia básica para todos los directa o indirectamente interesados en la cuestión indígena.

Serie Pueblos indígenas en el Brasil:

Povos Indígenas no Brasil 5 Javari, CEDI, 1981

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Serie Aconteceu Especial Povos Indígenas no Brasil, CEDI, 1980/1981/1982/1983/1984/1985-86.

Terras Indígenas no Brasil, CEDI/Museu Nacional, 1987

Terras Indígenas no Brasil, CEDI/Museu Nacional, 1990

Empresas de Mineração e Terras Indígenas na Amazônia, CEDI /Conage, 1988

puesta hecha por una organización no-gubernamental podría ser aceptada por el gobierno a pesar de que conocíamos el área yanomami mejor que los técnicos de FUNAI. La propuesta de 1984 se convirtió en el área oficialmente aceptada por el gobierno brasileño, la propuesta de 1991. Así que estamos hablando de los mismos límites, de la misma área; en realidad se aceptó tal como había sido concebida en 1984.

Una de las amenazas más serias para la sobrevivencia de los yanomami en los últimos años, ha sido la invasión de sus tierras por los »garimpeiros«, los buscadores de oro. ¿Cómo comenzó la invasión?

- Fue en 1975 cuando se detectó la riqueza mineral del área yanomami. La primera invasión de las tierras yanomami fue inmediatamente después de descubrir que el área era rica en mineral de estaño (casiterita). En ese entonces se unieron pequeñas compañías locales, la mayoría gente de Roraima, comenzando a extraer casiterita del área de Surucucus. Sin embargo, las consecuencias de esta primera invasión de las tierras yanomami, resultaron en agresiones entre los mineros y los yanomami y llamaron la atención del gobierno. El Ministro del Interior decidió cerrar la actividad minera. Esto era en 1976 y el área yanomami se dio a conocer como rica en minerales. Era sólo una cuestión de tiempo antes que los *garimpeiros* retornasen. Desde entonces, nunca se frenó el interés en invadir el área yanomami.

La historia de la minería a pequeña escala es diferente en las diferentes regiones del área yanomami, como la de Ericó, en el noroeste del área yanomami, donde la minería a pequeña escala, en mano de los garimpeiros, ha tenido lugar durante más de 30 años. En esas áreas, los indios aprendieron a extraer el oro en forma manual junto a los garimpeiros, dándose lugar a un proceso muy interesante en el que los indios incorporaron a su propia cultura la minería a pequeña escala y desde entonces han seguido extrayendo oro cuando tenían necesidad de adquirir productos manufacturados. A mitad de los 80, cuando el CCPY estaba trabajando en el área yanomami con los proyectos de salud, alentamos a los indígenas a que impidieran la actividad minera dentro de sus territorios. Trabajamos con los yanomami de la región haciendo un estudio antropológico sobre su sistema de minería para ver si el sistema utilizado en Ericó podría adaptarse a otras áreas problemáticas. Desgraciadamente, la historia mostró que ésto no era posible.

El territorio yanomami fue invadido por miles de mineros. De repente, el interés por el oro creció en forma masiva y los mineros comenzaron a llegar a Roraima y el área yanomami desde toda la región amazónica en donde estaban buscando oro. Un líder garimpeiro llamado José Altino Machado planificó una invasión armada sobre el área yanomami. Entró al área de Surucucus, usando fuerzas paramilitares. Afortunadamente, la invasión fue detenida por el Gobernador de Roraima, con la ayuda de la Policía Federal y la FUNAI.

De todos modos, ésto fue sólo un episodio en la invasión, porque inmediatamente después comenzó bajo una forma totalmente diferente: a pie y bajando los ríos con el acuerdo de los políticos. Era igual a un ejército de hormigas que en unos meses invadió una gran parte del área yanomami. En 1987, la invasión era totalmente incontrolable, con la tolerancia del gobierno de Roraima y sin que se tomase ninguna medida para frenarla. Esto continuó hasta 1987 y comienzos del 91 a pesar de las muchas protestas y un fuerte trabajo de lobby, tanto dentro como fuera de Brasil, para detener la invasión y desplazar a los garimpeiros que en ese entonces alcanzaban unos 30.000 a 40.000 personas. Sin embargo, no sucedió nada hasta inicios del 91 ya que no existía una voluntad política por parte del gobierno brasileño para expulsar a los mineros. Si bien durante el gobierno de Sarney se envió a la Policía Federal en varias ocasiones, ésto era más que nada un show. Fue en 1991, cuando Collor asumió la presidencia, cuando se comprobó que las consecuencias de esta pequeña minería ilegal, eran terribles para los indios, por la diseminación de enfermedades como malaria, que ahora penetraba en el corazón del territorio yanomami y exterminaba a su población y que, en realidad, también mataba a los mineros. Esto fue un escándalo y así se lo denunció en el Congreso. Fue luego de esta situación que el gobierno comenzó, seriamente, a intentar la expulsión de los garimpeiros.

En 1991, el Presidente Collor se propuso la demarcación del área. Fue interesante ver como cuando un gobierno realmente se decide a algo, lo puede hacer – durante años habían alegado que era totalmente imposible limpiar el área de garimpeiros. Esto muestra que la gente puede hacer lo que sea cuando se deciden a ello. A finales de 1991, existen todavía algunos cientos de mineros en el área. Todavía se resisten en algunas áreas, donde la policía todavía no ha penetrado, pero en general, se puede decir que la gran invasión ha sido frenada. Esto no quiere decir que la cuestión mineral esté resuelta; aunque se demarque el área yanomami - el presidente de la FUNAI, Sidney Possuelo, dijo que lo puede hacer en mayo- sabemos que ésto no salvaguarda el área yanomami de la extracción mineral. Creemos que el gobierno central no quiere volver a la misma minería desorganizada, que no beneficia a mucha gente y en realidad tampoco al gobierno brasileño, ya que la mayoría del oro se contrabandea fuera del país. Muchos garimpeiros murieron de malaria y los que encontraron oro lo gastaron en el pueblo más cercano lo más rápido posible. Para los yanomami, representó más que nada la muerte, la diseminación de enfermedades, hambre y otros problemas que socavaron su sociedad. El gobierno está al tanto de que ésta no es la solución, pero tememos que vuelvan al área en forma organizada, bajo grandes compañías mineras, si bien no creemos que ésto vaya a suceder por el momento. No tendría sentido político con la organización para este año de la conferencia de UNCED/ECO-92.

El gobierno de Collor puso a Sidney Possuelo a cargo de la FUNAI sabiendo que va a defender los derechos indígenas. La cuestión minera va a surgir nuevamente, y para ese entonces deberíamos estar preparados. En Brasil, la actividad minera puede llevarse adelante en áreas demarcadas si están aprobadas por el Congreso y tienen el consentimiento de los indígenas. Hoy en día el Congreso es bastante problemático porque hay más congresistas de la Amazonía, específicamente de Roraima, que en el pasado. Roraima se ha convertido de territorio en Estado y tiene congresistas que están haciendo un fuerte trabajo de lobby para que se permita la actividad minera.

Como tu acabas de mencionar, de acuerdo a la Constitución del Brasil, los pueblos indígenas deben ser consultados y dar su consentimiento antes de que se pueda encarar cualquier tipo de actividad minera. ¿Cuán preparados están los yanomami para comprender la cuestión de la minería en sus tierras?

- No creo que los yanomami comprenden lo que la minería significará. Esta no es una cuestión que afecta sólo a los yanomami; incluso en sitios donde el contacto se dio hace tiempo atrás, la cuestión de permitir el trabajo de compañías mineras, madereras o la extracción de otros recursos naturales en tierras indígenas, es un problema muy complejo. Siempre hay gente que no comprende las consecuencias de la explotación descontrolada, se confunden y dejan a las compañías que exploten sus tierras. El mundo tiene que cambiar; tiene que cambiar su acti-

tud hacia los grupos minoritarios. En el caso de los yanomami, muchos están todavía en su primer contacto. A pesar de haber experimentado una devastadora invasión de 3 años, no es suficiente para cambiar una cultura. Se puede eliminar a una población, se la puede debilitar a través de enfermedades pero no se puede matar una cultura de un día para otro. La cultura de un pueblo incorpora una visión única del mundo, no es algo que se pueda cambiar fácilmente. Si el gobierno brasileño permite que los yanomami se recuperen, creo que lo pueden lograr. Van a volver a su forma tradicional de vida.

Creo que para nosotros es importante hacer entender a los yanomami que han pasado por una pesadilla de la que se pueden despertar, pero esto no quiere decir que están inmunes a futuras invasiones. Es importante para ellos comprender qué es lo que esta nueva invasión, a pesar que sea la de grandes compañías mineras, va a significar para ellos, de tal manera que los yanomami sean capaces de defenderse a sí mismo. Todavía hay algunos que pueden ser fácilmente convencidos de que la minería les traerá beneficios. De todas formas, uno tampoco debe ser irrealista; los yanomami tendrán que comprender sus derechos constitucionales y aprender a negociar con el mundo exterior; para ésto se necesita tiempo. Van a tener que entender nuestra forma occidental de pensamiento y economía. Es importante que obtengan una comprensión del mundo.

Tu has descrito a los indios yanomami viviendo en pequeños grupos aislados uno del otro, así como relativamente aislados de la sociedad nacional. Alcanzan un número aproximado de 9.000 personas y su territorio es de 94.000 km². Mirando hacia el futuro, ¿son los yanomami capaces de patrullar su territorio y protegerlo de nuevas invasiones?

- 94.000 km² es, por cierto, el tamaño de muchos países europeos, pero debemos comprender que la forma en la que viven los yanomami implica que ocupan realmente su territorio. Sus tierras no soportan una agricultura normal, ellos practican una agricultura rotativa, desplazándose cada 4 ó 5 años, dándole a la tierra, a la caza, la posibilidad de recuperarse. Los yanomami no son conscientes del tamaño de sus tierras y la ubicación de su frontera. Funcionan mucho en comunidades y conocen los límites del área alrededor de sus comunidades, las áreas territoriales de otras comunidades cercanas y de otros grupos de cazadores. Tienen un concepto diferente de la ocupación de las tierras comparado a lo que estamos acostumbrados en las sociedades occidentales, a la propiedad privada. Los yanomami necesitan de extensas áreas para que sea posible su agricultura rotativa de manera que la selva pueda renovarse. La selva es como una tela de araña, colmada de senderos que los yanomami usan constantemente para sus viajes y visitas sociales. Muchas personas que viven en las ciudades encuentran difícil de comprender este tipo de ocupación de tierras. Con el tiempo los yanomami van a tener que comenzar a pensar en su territorio como un todo, con fronteras inamovibles. El mundo exterior también tiene que educarse en el respeto de sus fronteras, la vida cultural de los yanomami; de manera que éste es un proceso cultural en ambas direcciones. La demarcación física está teniendo lugar. Creemos que ésta es una buena oportunidad para ayudar a los yanomami a comprender la cuestión de las fronteras, involucrándolos en el proceso físico de la demarcación.

Hombre yanomami. Foto: Claudia Andujar.

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¿Cómo ves el papel de la comunidad internacional en el futuro y qué importancia ha tenido en el pasado?

- Es indudable que, sin el apoyo de la comunidad internacional, en la forma de Organizaciones No Gubernamentales (ONG) que adoptaron la causa yanomami, y de importantes foros como las Naciones Unidas y la Organización de los Estados Americanos y en algunos casos gobiernos europeos, no hubiésemos llegado tan lejos. Gracias a este intensivo trabajo de lobby, que se fue construyendo durante 20 años, quedó claro para el gobierno brasileño que la cuestión yanomami tiene que ser un símbolo de resistencia y que deberían resolverlo si deseaban llamarse un gobierno democrático. Sin duda fue a causa de ésto, que el gobierno de Collor decidió ir adelante con la demarcación, a pesar de existir una gran oposición, especialmente por parte de los militares y de los gobiernos locales de la Amazonía. Fue muy difícil lograr que el Congreso aprobara los fondos necesarios y fue sólo por intermedio de un trabajo de lobby especial del Presidente Collor y del Ministro de Justicia, que se sobrepusieron las protestas de los políticos locales de la Amazonía.

Vamos a necesitar el apoyo continuo de la comunidad internacional. Ganamos sólo la primer batalla y la situación puede revertirse en el futuro. No tenemos ilusiones sobre la situación; ¿quién sabe lo que puede suceder luego de celebrada la conferencia de UNCED? Estamos muy preocupados con lo que puede ocurrir después de 1993, cuando la ONU celebre el año de los derechos indígenas, porque la atención focalizada hoy en la cuestión yanomami, seguramente va a desplazarse a otro plano. La preocupación del mundo sobre la ecología quizás también se desplace. El interés internacional sobre la cuestión indígena debe sobrevivir a todo ésto. Por el momento es importante continuar el trabajo sobre los problemas de salud, la consecuencia de la invasión y comenzar algún tipo de programa educativo en el que podamos hacer que los indios tomen conciencia de los que sucede fuera de su mundo. Esperamos que la comunidad internacional apoye al CCPY en estos proyectos.

Desde comienzos de los 80, las organizaciones ambientalistas incrementaron su interés, no sólo en la defensa de los derechos ambientales, sino también de los derechos indígenas. ¿Significa este cambio un mayor apoyo para los indios yanomami?

- Me gustaría referirme a una persona que defiende firmemente la causa yanomami, el mundialmente famoso ambientalista, José Lutzemberger. El sabía muy poco del mundo indígena antes de ser nombrado por el Presidente Collor como secretario de medio ambiente, pero rápidamente entendió que no se puede separar al medio ambiente y la ocupación de grandes áreas de la Amazonía por pueblos indígenas. El se convirtió en uno de los grandes defensores de los derechos de los yanomami. Debemos recordar que si bien ésta es el área de los yanomami, también es el sitio de muchos diferentes ecosistemas y la fuente de varios ríos que fluyen en el Río Branco y en el Amazonas. Así que, protegiendo el área yanomami, también salvamos una importante parte del Amazonas.

Tu eres una de las pocas personas que tienen un profundo conocimiento de los indios yanomami, de su territorio y de su sociedad. Tu has definido a los yanomami como intelectuales, ¿cuál es su filosofía?

- Yo los veo como intelectuales. Intelectuales son las personas que piensan y comprenden el mundo en forma global. Su filosofía es la de interpretar el mundo en una forma holística o global. Las cosas funcionan como un sistema total. Una visión que es tan antigua como la humanidad pero que hemos perdido. Nosotros nos organizamos en compartimentos, mientras que los yanomami ven la vida en forma global. Me siento cerca de los yanomami por que me identifico con una forma de pensamiento en la que los seres humanos, animales y plantas, están interconectados y son interdependientes.

Tu has tenido muchas experiencias personales con los yanomami a través los años. ¿Me podrías contar algunos de tus mejores momentos junto a ellos?

- Los mejores momentos fueron en la década de 1970, cuando los yanomami todavía vivían aislados y cuando podía disfrutar días de paz y harmonía, semanas e incluso meses con ellos en sus aldeas. Traté de observar y aprender como entendían al mundo. En esos días comprendí que, a pesar de que a veces consideraban mi comportamiento como curioso, me respetaban, respetaban mi forma de pensar y yo traté de hacer lo mismo. Es por eso, que aquellos momentos fueron extremadamente preciosos, porque eran momentos en que, a través de ellos, aprendí a conocerme mejor. Fue en ese entonces que hice mi documentación fotográfica, viviendo en sus aldeas, a veces durante un par de meses para luego regresar a la ciudad. Volvía con nuevos conocimientos de lo que quería hacer. Fue casi una simbiosis entre nosotros, en la cual, usando la fotografía, creo que fui capaz de entrar en lo que era la cultura yanomami.

Mi fotografía es interpretativa. La fotografía para ellos es como una agresión y si uno quiere realmente hacer un trabajo profundo, como era mi intención, no se debe hacer algo que tu sabes, no le agrada a la otra persona.

Para finalizar esta entrevista, desearía hacer llegar el siguiente mensaje: nos ha tomado 13 años de dura lucha, con la colaboración de muchas organizaciones y mucha gente que abraza esta causa. Siento que nuestro trabajo no ha concluido, tiene que continuar y esperamos que, como organización, continuemos recibiendo apoyo y la clave de ésto es que la gente continúe creyendo en nuestro trabajo y que comprenda que la demarcación es sólo la primer batalla que ganamos y que aún tenemos que seguir luchando por mucho tiempo. Debemos incorporar más y más a los yanomami en este proceso y continuar apoyándoles. ❑

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NOTICIAS BREVES · NOTICIAS BREVES

Chittagong Hill Tracts: Informe de IWGIA frente a la Comisión sobre Derechos Humanos de la ONU, 48a. Sesión

Muchas Gracias Sr. Presidente,
Es un orgullo para mí dirigirme a Ud. como mujer indígena *jumma* de Chittagong Hill Tracts, en Bangladesh. Hago está presentación como miembro de la Red de Trabajo del Pueblo Jumma en Europa, en nombre del Grupo Internacional de Trabajo para Asuntos Indígenas-IWGIA.

Me gustaría comenzar expresando nuestra solidaridad con los pueblos indígenas y colonizados en su lucha por la liberación en todo el mundo. Vuestra lucha es nuestra lucha, vuestra fuerza es nuestra fuerza.

El año pasado la Comisión Internacional para Chittagong Hill Tracts, publicó su informe sobre derechos humanos y territoriales en Chittagong Hill Tracts, titulado »La vida no es nuestra«. La Comisión fue el primer organismo independiente con libertad de movimientos en Hill Tracts y tuvo la posibilidad de visitar los campos de refugiados jumma en Tripura (India).

La Comisión visitó Bangladesh en un momento de gran cambio político. En Bangladesh en Diciembre de 1990, el régimen militar de Hussein Mohammed Ershad fue derrocado por las fuerzas combinadas del Movimiento Democrático. Grupos de mujeres, estudiantes jumma y *bengalíes*, profesionales y trabajadores, así como también partidos de la oposición parlamentaria, se aliaron para poner fin al régimen militar de Bangladesh y anunciar el regreso de una democracia parlamentaria.

Las conclusiones de la Comisión confirmaron extensamente los informes anteriores de violación de derechos humanos en Chittagong Hill Tracts. El pueblo jumma todavía está siendo asesinado, violado, torturado, injuriado y apresado.

La Comisión recomendó el establecimiento de un Informante Especial de las Naciones Unidas en Chittagong Hill Tracts. Exigió la paralización de todas las violaciones de derechos humanos, realizadas por el ejército y por personas bajo protección de los militares. El informe concluye que la desmilitarización de Chittagong Hill Tracts debe tener prioridad y las instituciones políticas autónomas deben establecerse de acuerdo a un referéndum del pueblo jumma.

También se insta a que los nuevos reasentamientos de gente de fuera en Hill Tracts deben ser inmediatamente detenidos, y las aldeas de reagrupamiento a cargo del ejército deben ser inmediatamente desmanteladas.

Pero todavía, más de 14 meses después, Chittagong Hill Tracts permanece todavía bajo férreo control del régimen militar.

El pueblo jumma de Chittagong Hill Tracts o cualquiera que hable en su favor, no ha visto todavía las ventajas de la restaurada democracia.

Los Consejos de Distrito implantados por el régimen militar han sido suprimidos en todo Bangladesh, excepto en Chittagong Hill Tracts donde continúan en vigor.

Sigue sin haber ningún control sobre los derechos humanos en Chittagong Hill Tracts desde el cambio de gobierno en Dhaka. Desde la publicación del informe de la Comisión el año pasado, han sido numerosos los informes sobre violaciones de derechos humanos. Estas violaciones han sido perpetradas por la fuerzas de seguridad de Bangladesh y consisten en torturas, violaciones, incendio de hogares, y ejecuciones sumarias de jumma no combatientes.

Tenemos detalles de muchos incidentes. Sr. presidente, permítame presentarle algunos ejemplos. Manotosh Dewan, quien, junto con otros fue detenido por fuerzas de seguridad durante el mes de julio de 1991, se encuentra todavía encarcelado. Ha sido repetidamente torturado, y por ello se encuentra gravemente enfermo. Otras dos personas fueron torturadas hasta la muerte mientras estaban detenidas. Estamos en conocimiento de sus nombres.

Además, sabemos que una aldea jumma entera, fue incendiada el 18 de mayo de 1991 por personal del ejército, y los habitantes fueron forzosamente relocalizados en aldeas de reagrupamiento bajo control del ejército. Hay muchos otros ejemplos de ataques militares más recientes.

Tenemos detalles de numerosas violaciones de mujeres jumma por personal del ejército. Como conclusión, estamos seriamente preocupados por el continuo uso de la violación por los militares como forma de opresión del pueblo jumma.

La gente que enarbola la causa de Chittagong Hill Tracts, sea bengalí, jumma o extraños a Bangladesh, son intimidados por las fuerzas de seguridad. Sr. Presidente, siento informarle que 960 copias legalmente producidas, del informe de la Comisión Internacional, han sido confiscadas, el pasado año, por la policía de Bangladesh. Dos miembros bengalíes del Comité de Nagarik (Ciudadanos) de Bangladesh en Dhaka, fueron detenidos e interrogados por haber reimpreso el informe. En septiembre de 1991 un trabajador de los derechos humanos de Nepal, fue detenido, e interrogado en el aeropuerto de Dhaka, de regreso a su país. Su crimen era el llevar una única copia del informe de la Comisión.

Conocemos de la intimidación por parte de las fuerzas de seguridad de numerosos individuos bengalíes o jumma, quienes han denunciado abierta y legalmente contra el abuso de los derechos humanos en Chittagong Hill Tracts. Hasta el momento sabemos de 79 personas jumma que están presas en la cárcel de Rangamati y de 38 en la prisión de Chittagong, todos bajo el Acta de Poderes Especiales, que se prometió sería derogada bajo el nuevo gobierno democrático.

Estas violaciones de los derechos humanos básicos ha instado a Wilfred Telkaemper, miembro del Parlamento Europeo, y de la Comisión CHT, a escribir una protesta al gobierno de Khaleda Zia en Dhaka. Hasta hoy, no ha recibido ninguna respuesta.

A partir de diciembre, hemos oído que el ejército ha elevado el nivel del lago Kaptai en CHT a 110 pies, así que no queda tierra lindera para que cultive el pueblo jumma. Al mismo tiempo, el ejército ha prohibido pescar en el lago, así como la tala de madera en todos los distritos de CHT. Mientras comerciantes bengalíes de madera continúan cortando madera en la zona, sin ningún control.

Sr. Presidente, estas medidas son claramente no para la protección del ambiente sino para impedir que llegue ayuda económica a los luchadores jumma, la Shanti Bahini (Fuerza de Paz). Como resultado directo el pueblo jumma se está muriendo de hambre, obligado a no comer otra cosa que brotes de bambú, y tallos de bananeros.

Desde la elección del nuevo gobierno no ha existido ningún debate parlamentario sobre el caso Chittagong Hill Tracts, y el gobierno de Khaleda Zia ha continuado las

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políticas de Ershad de represión militar y política en Chittagong Hill tracts.

Sr. Presidente, hace un año creíamos que el nuevo régimen de Bangladesh era capaz y quería cambiar rádicalmente la política del anterior régimen militar hacia el pueblo de Chittagong Hill Tracts. Desgraciadamente, no vemos ninguna indicación de que esto suceda. El Grupo Internacional de Trabajo para Asuntos Indígenas-IWGIA solicita que las recomendaciones de la Comisión Internacional sean llevadas a cabo, y que la democracia parlamentaria en Bangladesh se amplíe para incluir a Chittagong Hill Tracts.

Gracias Sr. Presidente ❑

Argentina:
Llega el cólera

La previsible llegada del cólera a la Argentina se confirmó en los últimos días como una preocupante realidad. En las localidades de Santa María, Santa Victoria, La Paz y otras cercanas, en la norteña provincia de Salta, colindante con las fronteras boliviana y paraguaya, aparecieron los primeros casos de infectados que, hasta la actualidad (9-2-92) suman 9 muertos y 134 enfermos, con una proyección que tiende a superarse.

En estas zonas de monte y altas temperaturas, las víctimas son principalmente indígenas *wichí, chorotes* y *tobas* que allí habitan en condiciones de extrema pobreza y desprotegidos de cualquier sistema de prevención médica contra el cólera. La falta de agua potable, cloacas y una alimentación a base de pescado, genera una situación explosiva, donde las etnias nativas constituyen el flanco más expuesto.

Fuentes: Jorge Fava ❑

Sudán:
Destrucción de los Pueblos Nuba y Fur

Los *nuba* y *fur* de Sudán occidental son víctimas de la política gubernamental sudanesa destinada a destruirlos como pueblos. Son atacados, simultáneamente, por tres fuerzas: el ejército regular de Sudán, el ejército rebelde sudanés, »Ejército de Liberación del Pueblo Sudanés« (SPLA) y los grupos paramilitares armados por el gobierno, de las tribus locales árabes. La gente vive aterrorizada y hablan de »genocidio«.

Desde octubre de 1991, el área de las montañas Nuba ha sido cerrada por las fuerzas militares, para efectuar una gran operación militar, supuestamente contra el SPLA. Sin embargo, antes de esta fecha hubo frecuentes informes de arrestos arbitrarios y »desapariciones«, masacres, ataques a las aldeas y ocupaciones de tierras. A pesar del embargo continúa el flujo de informaciones similares. En enero de 1992, un encuentro de gobernadores provinciales en El Obeid, la capital de Kordofan, declaró el *jihad* contra el »resto de rebeldes desesperados« en el sur de Kordofan. Esto es una excusa para aumentar la represión contra los nuba; y si bien se apeló al aspecto religioso, estos asesinatos son, de hecho, puramente políticos, ya que muchas de las víctimas son también musulmanes.

Antecedentes

Los nuba, que alcanzan el millón de personas, son un diverso grupo de tribus que habitan en las montañas del mismo nombre, en el sur de la provincia de Kordofan. Son labradores y pastores. »Africanos« en oposición a sus vecinas tribus »árabes« y tradicionalmente no-musulmanes, teniendo sus propios cultos religiosos, aunque muchos se han convertido al islamismo o cristianismo.

Durante generaciones ha habido competencia sobre territorios, pozos de agua y mercados entre estos pueblos y los árabes sudaneses; en el sur de Kordofan éstos son tribus pastoras conocidas por *baggara*. Esto ha llevado a conflictos ocasionales pero también han comerciado e incluso contraído matrimonio entre ellos.

El actual terror se debe a fuerzas externas, y es la culminación de una década de creciente violencia. En las actual y atroz guerra civil, el gobierno ha hecho gran uso de milicias armadas de tribus árabes leales para suplir al ejército regular. En las colinas Nuba ésto significa que los baggara son armados, quienes se aprovechan de ésto para atacar las aldeas nuba, saqueando el ganado y las propiedades, y matando a sus habitantes.

En este conflicto, el Frente por la Liberación del Pueblo de Sudán (SPLA) concibe a pueblos como el nuba, a pesar de vivir en el norte, como sus aliados naturales. En 1987 el SPLA comenzó la unidad en las colinas del sur de Nuba y ha asesinado y secuestrado a líderes nuba que se negaban a cooperar con ellos. En respuesta, el ejército regular y la inteligencia militar comenzaron a arrestar y a ejecutar a sospechosos simpatizantes del SPLA.

La situación desde 1989

El golpe que llevó al General El-Bashir al gobierno en junio de 1989, fue al principio bienvenido por los líderes nuba, que creían en las promesas del nuevo gobierno de restaurar la ley y el orden, y desarmar a las milicias. Estas esperanzas pronto fueron frustradas; el nuevo gobierno ha, en realidad, legitimado las milicias como una fuerza paramilitar organizada, la »Fuerza de Defensa Popular« (PDF). Sus ataques sobre las aldeas nuba son cada vez más sanguinarios; a finales de octubre de 1989, p. ej., en el pueblo de Lagawa y otros 19 asentamientos, fueron saqueadas y quemadas las casas, 98 personas asesinadas y 30.000 quedaron sin viviendas. En 1990 había un número estimado de 60.000 personas desplazadas. Es posible que, como creen los nuba, ésto es un intento deliberado de sacarlos de sus tierras, para que los baggara - que en tanto que musulmanes árabes, son aceptados por el gobierno - puedan ocuparlas.

En 1991 aumentó la violencia con el PDF y la cooperación militar. En adición, en los últimos dos años ha aumentado el número de arrestos arbitrarios de supuestos simpatizantes del SPLA por parte del servicio de inteligencia militar. La mayoría de estas personas no han vuelto a aparecer. Parece ser una política en la que se elige a los nuba con las mejores calificaciones, aquellos que puedan llegar a ser líderes políticos. En agosto de 1991, se arrestó a 37 jóvenes nuba por supuesto apoyo al SPLA. Se informa que fueron torturados y todavía están desaparecidos; nadie sabe que ha sucedido con ellos. Entre estos desaparecidos se encuentran abogados y maestros, incluyendo dos profesores de enseñanza media, Ismat Hassan Khair al Sid y Yosif Galdagoun.

A principios de octubre de 1991, el Comandante de la guarnición local fue asesinado en una emboscada cerca de la capital Kadugli; en venganza, 100 nuba fueron capturados y se teme que la mayoría de ellos haya muerto.

Mientras tanto, se ha agotado la infraestructura económica y de servicio en el área nuba. Es casi imposible obtener medicinas. En 1990 y 1991, ha existido una falta

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acuciante de alimentos causada por la sequía y los trastornos ocasionados por la violencia. La ayuda alimenticia ha sido inadecuada y el pueblo cree que esta ayuda ha sido deliberadamente bloqueada.

Otros nuba han sido reducidos a integrarse a los refugiados del sur de Sudán en los pueblos marginales alrededor de Kartum. Allí, al igual que otros refugiados, sufren los duros métodos que el gobierno utiliza para desplazarlos de las áreas urbanas. El 15 de enero de 1992, tres personas fueron asesinadas en este tipo de ataques.

Las atrocidades más recientes

De acuerdo a los informes más recientes, un gran número de nuba provenientes de la tribu *kamda*, fueron arrestados a comienzos de diciembre de 1991; 19 de ellos fueron asesinados en la prisión de El Legawa y los sobrevivientes llevados a la capital provincial El Obeid, donde se les acusó bajo la ley antisubversiva no. 96. Las aldeas han sido evacuadas forzadamente, tanto dentro de los kamda como entre otras tribus, y los informes de que los cultivos han sido cosechados por el SPD, sugieren que el objetivo de estas acciones, es la ocupación de las tierras.

Otro informe fidedigno establece que un grupo miliciano ha secuestrado unos 5.000 niños nuba, entre 8 y 16 años, y que están detenidos en un campo, dónde se les da entrenamiento militar y adoctrinamiento por parte del Frente Islámico Nacional.

La situación en Darfur

Más al oeste, el pueblo *fur* está sufriendo una suerte similar. En la escalada de violencia entre los fur y las tribus árabes locales, el gobierno ha apoyado, invariablemente, a éstos últimos, mientras que los fur y otros grupos que trataban de defenderse, se los llaman de »ladrones«. La situación es sumamente compleja; los fur y otros grupos del área están en peligro de ser destruidos por estar enredados en las políticas nacionales de los Estados vecinos de Sudán y Chad. Ahora la agresión militar está siendo organizada por el gobernador de la provincia, Coronel El Tayeb Ibrahim. Bajo sus órdenes, helicópteros han disparado sobre las aldeas fur y cientos de ellas han sido arrasadas. Parece ser que los aldeanos fur, con el consentimiento del gobierno, están siendo expulsados de sus tierras para que las ocupen las tribus árabes.

Conclusión

Si esta violencia sistemática continúa, los nuba y fur van a dejar de existir como pueblos prósperos, con modelos de vida e identidad propios; los sobrevivientes, privados de sus tierras, casas y liderazgo, y con su cultura prohibida, van a perderse entre los pobres vagabundos de los pueblos marginales sudaneses.

Fuentes: Survival International ❑

Nunavut

En diciembre de 1991 el gobierno canadiense y los *inuit* de los Territorios del Noroeste del Canadá dieron un nuevo paso adelante en el proceso de reivindicación de tierras con la firma del *Acuerdo Final de Reivindicación de Tierras*. Desde que se firmó un acuerdo en principio en abril de 1990, se ha negociado intensamente.

El acuerdo otorgará a los *inuit* el derecho a la propiedad de aproximadamente 350.000 km^2 de tierra (aproximadamente el 18% de la tierra reivindicada *(Nunavut)* por los *inuit* de los cuales 36.000 km^2 incluyen los derechos a los minerales. El resto de la tierra será renunciada al estado.

Además de una compensación de 580 millones que se pagará durante un período de 14 años, cada año, los *inuit* recibirán el 50% de los primeros $2 millones de »royalties« de los recursos que el gobierno haya recibido, y el 5% de los royalties adicionales de los recursos en la zonas pobladas. Los *inuit* tendrán el control de los territorios donde se sabe que hay minerales incluso algunas zonas con uranio cerca de Baker Lake al oeste de la bahía de Hudson.

Sin embargo, antes de que los *inuit* puedan obtener su tierra, tienen que superarse varias dificultades. La primera es la demarcación de las fronteras entre los territorios que los *inuit* reivindican y los territorios que otros pueblos indígenas reivindican. En cuanto las negociaciones fueron concluidas, el gobierno de los Territorios del Noroeste comunicó que se celebrará el plebiscito sobre fronteras el 16 de marzo.

Un gran número de los habitantes *dene* se opone a las fronteras propuestas y no es seguro en absoluto que sea aprobado en la votación en todo el territorio que dentro de poco se va a celebrar. *Si* es aprobado, las comunidades *inuit* y el parlamento tendrán que ratificar el acuerdo.

El acuerdo sobre las reivindicaciones territoriales también requiere que el gobierno federal y el gobierno de los Territorios del Noroeste negocien un »acuerdo político« con el grupo negociador *inuit* para crear un nuevo territorio Nunavut. Esta estipulación que requiere un acuerdo político sobre Nunavut, aproximará a los *inuit* a la largamente anhelada división de los Territorios del Noroeste.

En efecto, más del 80% de la población en Nunavut Inuit, ejercerá efectivamente la autonomía en el nuevo territorio. Pero antes, los electores de los Territorios del Noroeste, incluso los *dene*, *metis* y pueblos no indígenas de las regiones occidentales, tendrán que decir que sí a una propuesta frontera de los territorios reivindicados, que también será la línea de demarcación de Nunavut.

(Fuentes: Nunatsiaq News). ❑

Timor Oriental:
Los sobrevivientes de la masacre enfrentan duras sentencias

Treinta y siete habitantes de Timor Oriental están detenidos en Dili, la capital de la ocupada Timor Oriental, y están esperando el proceso por »haber participado« en las manifestaciones del 12 de noviembre, cuando las tropas abrieron fuego y mataron a casi doscientas personas. Otras tres personas, acusadas de haber robado documentos militares y haberlos contrabandeado al extranjero ya han sido condenadas.

De los 37 que están esperando su proceso, cinco personas fueron detenidas después de que las tropas asaltaron la iglesia de Motael el 28 de octubre cuando Sebastiao Gomes, que se refugiaba aquí, fue muerto a tiros. Funcionarios en Yakarta y Dili anunciaron que 14 de los 32 timoreses detenidos de Timor a ser juzgados, enfrentan cargos bajo la ley antisubversiva castigados con la pena capital: la condena a muerte. Se teme que estos 14 acusados reciban duras sentencias. Los otros 18 serán acusados bajo los artículos 154 y 155 del Código Criminal de Indonesia (KUHP). Los procesos políticos en Dili han sido más injustos que en Java, dónde los acusados generalmente han tenido la posibilidad de una defensa justa y la posibi-

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lidad de elegir sus abogados, aunque en muchos aspectos no se ha tenido en cuenta para nada a la ley.

En Dili, todas las intenciones de conducir procesos normales han sido abandonadas. Un gran número de los procesos que tuvieron lugar en 1984 fueron terminados en un día, los abogados defensores fueron nombrados por el tribunal, todos los acusados se confesaron culpables ya que se les había dicho que en caso contrario seguramente serían condenados todavía más rigurosamente. Las formalidades sobre el derecho a rechazar la sentencia y apelar a un tribunal superior simplemente fueron prescindidas. Los procesos de 1980 no fueron anunciados en la prensa de Indonesia y se sabía muy poco de ellos hasta el día en que 41 hombres y mujeres condenados fueron transferidos a cárceles en Yakarta para cumplir sus sentencias.

Fuentes: Tapol 109. ❑

Bougainville:
Carta de la Conferencia de Iglesias del Pacífico al Gobierno de Papúa Nueva Guinea

El Embajador – Embajada de Papúa Nueva Guinea, SUVA

Estimado Señor:

Tengo instrucciones del Comité Ejecutivo de la Conferencia de Iglesias del Pacífico en su reunión en Suva, del 3 al 5 de diciembre de 1991, de presentar directamente al Gobierno de Papúa Nueva Guinea el dilema del aparente callejón sin salida al que ha llegado la situación de Bougainville. En un fracaso aparente de juntar a las partes interesadas en un diálogo sobre las causas subyacentes del conflicto y sus implicancias políticas, los pueblos del Pacífico están enfrentados a informes de los medios de difusión sobre los continuos sufrimientos del pueblo de Bougainville.

Si bien hemos oído que agencias internacionales como la Cruz Roja han finalmente logrado negociar el acceso a Bougainville para acompañar suministros médicos desesperadamente necesitados, el bloqueo que rodea la isla de Bougainville está todavía funcionando en forma efectiva. En lo que parece ser una estrategia para quebrar la moral de un pueblo, cientos de vidas inocentes, especialmente aquellas de ancianos, madres y niños pequeños, han sido perdidas, debido a la falta de lo que sólo puede calificarse como las necesidades sanitarias y equipamiento médico más imprescindibles.

La Conferencia de Iglesias del Pacífico, a través de su Comité Ejecutivo publicó una declaración en noviembre de 1990, exhortando al levantamiento del bloqueo, y ofreciendo sus servicios para mediar en un diálogo entre las autoridades del Gobierno de Papúa Nueva Guinea y Bougainville. A pesar de que los intentos de trasmitir ésto a la conducción política de Papúa Nueva Guinea a través de intermediarios no fueron exitosos, el Ministro de Asuntos Provinciales fue informado personalmente más tarde de esta iniciativa, en marzo de 1991. Nada positivo ni tangible surgió de las discusiones que este plan de emergencia ocasionó.

Los 230 delegados de la Sexta Asamblea General de la Conferencia de Iglesias del Pacífico realizada en Vanuatu en setiembre de este año, declaró que no pueden permanecer indiferentes y ser testigos de las injusticias perpetradas en contra de los cristianos de Bougainville, simplemente porque un genuino diálogo pacífico no puede continuar cuando no existe un espíritu de confianza. A pesar de dos acuerdos negociados y firmados en forma mutua, persiste una atmósfera de desconfianza y todavía no hay garantías de libre movimiento para el pueblo de Bougainville o permiso para las organizaciones y personal eclesiástico para entrar a Bougainville.

A la luz de estas circunstancias me permito entonces, Señor, informarle de las resoluciones aprobadas en sesión plenaria de la 6a. Asamblea General de la Conferencia de Iglesias del Pacífico (C.I.P.). Estas seis resoluciones representan las voces de los cristianos de 31 Iglesias, Consejos Nacionales y Conferencias miembros, hablando como una comunidad ecuménica del Pacífico en busca de la paz:

1. Que la CIP haga un llamado al Gobierno de Papúa Nueva Guinea para que levante el bloqueo, permitiendo por lo tanto el paso de combustibles, y material médico y otros artículos esenciales.
2. Que la CIP haga un llamado al Gobierno de Papúa Nueva Guinea para que permita a la Liga de la Cruz Roja Internacional y otras organizaciones humanitarias, tanto nacionales como internacionales, el acceso a Bougainville.
3. Que la CIP haga un llamado al Gobierno de Papúa Nueva Guinea para que facilite la composición de un equipo supervisor independiente para ser ubicado en Bougainville.
4. Que la CIP haga un llamado a las Fuerzas de Defensa de Papúa Nueva Guinea para que se retiren de Bougainville y al Ejército Revolucionario de Bougainville para que deponga las armas así como lo estipula el Acuerdo de Honiara.
5. Que la CIP reconozca el derecho del pueblo de Bougainville a la autodeterminación y exhorte al Gobierno de Papúa Nueva Guinea a que acuerde un referéndum en Bougainville sobre su futura relación con Papúa Nueva Guinea, a ser supervisado por observadores internacionales.
6. Ambas partes del conflicto están obligadas a perseverar en el proceso de paz. Si la CIP puede facilitar ésto de cualquier manera entonces estaría complacida en ser útil. Puedo sugerir que la Resolución No. 6 provee una forma tangible según la cual las iniciativas de paz pueden ser revitalizadas o restablecidas.

Le solicito tenga Ud. la amabilidad de trasmitir estas preocupaciones y peticiones a su Gobierno y espero ser informado por Ud. sobre la respuesta en esta materia.

Saluda a Ud. atentamente,

Peter J. Salamonsen, Secretario de Justicia, Paz y Desarrollo

Co-signatarios: Secretario General del Consejo Mundial de Iglesias. Presidente de la Conferencia de Iglesias del Pacífico. Secretario General del Consejo de Iglesias de Papúa Nueva Guinea. Secretario General de la Asociación Cristiana de las Islas Salomón. Líderes de todas las Iglesias, Consejos y Conferencias de la CIP. Secretario General del Consejo Australiano de Iglesias. Secretario General de la Conferencia Cristiana de Asia. Administración Conjunta CCA-NZ/Te Runanga Whakawhanaunga I Nga Haahi O Aotearoa. Coordinador del Foro Ecuménico del Pacífico. ❑

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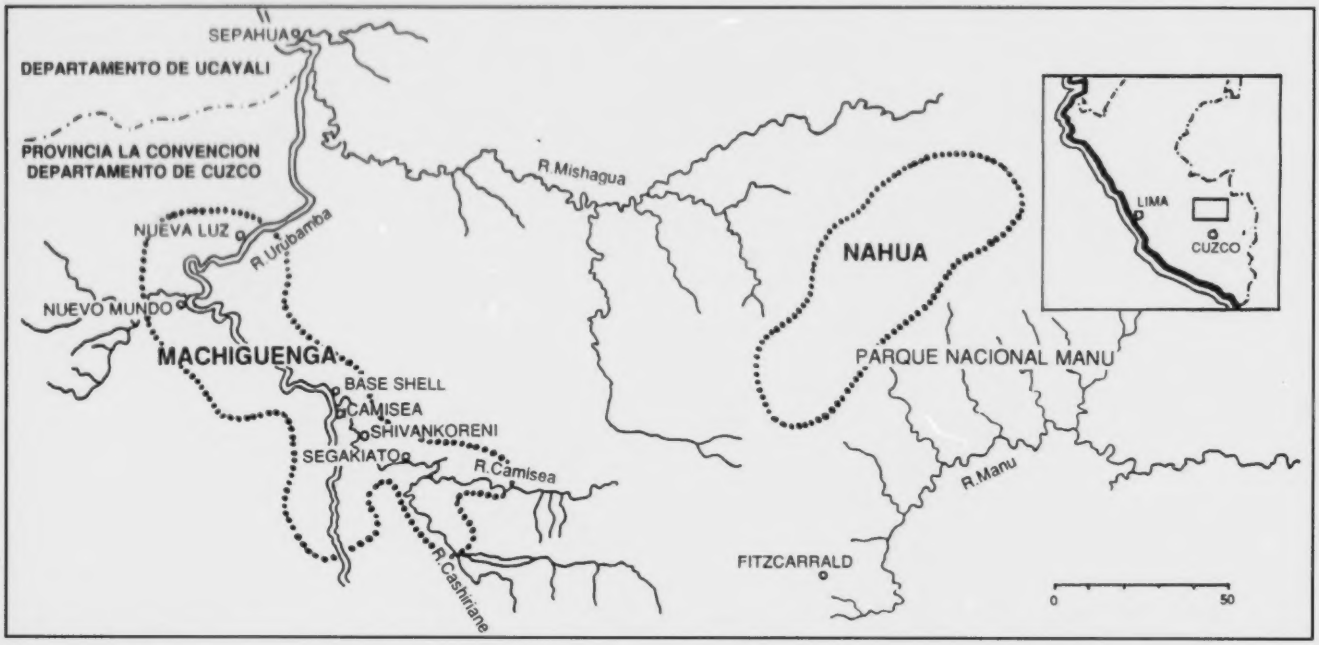
¿Etnocidio o identidad indígena en la selva peruana?

Por: Tim Cloudsley



Las sociedades indígenas de la selva amazónica han tenido siempre que competir con otros grupos indígenas, en relaciones que a veces son hostiles, perjudiciales o amenazantes. Aquellos que viven en áreas selváticas cerca de los Andes han tenido que coexistir durante milenios con sistemas sociales más grandes y más organizados, culminando en la civilización y el estado desarrollados por los *incas* hasta la conquista española, y desde ése entonces con un mundo andino hispanizado. Por cierto, las sociedades siempre están cambiando, adaptándose a nuevas condiciones y presiones de otras sociedades. Qué es entonces, lo que nos permite usar el término »etnocidio« en relación a los efectos a veces producidos sobre las sociedades nativas por el contacto con la diversamente llamada sociedad »occidental«, »capitalista«, »dominante«, »global«, »nacional«, o -en el contexto peruano- »mestiza«?

Claramente, la característica distintiva que justifica el término etnocidio es la rapidez del cambio impuesto, o cuyas formas son al menos estructuradas, por una sociedad y un sistema cultural avasalladoramente más poderosos. La adaptación indígena a la dominación por parte de este sistema, significa frecuentemente la desintegración y la hegemonía de los sistemas de valores culturales de la sociedad capitalista – lo que es etnocidio (si no muerte física). A veces, sin embargo, la adaptación, si bien es causada por la influencia social occidental, es simultáneamente una autoafirmación desafiante, una recreación o reinvención de la identidad cultural. Los cambios más o menos forzados y la afirmación de una vieja identidad en nuevas formas, están inextricablemente entrelazadas. El proceso es análogo, si bien no comparable en ningún sentido detallado, con la creación del nacionalismo del Tercer Mundo dentro del colonialismo (1). Aquí se da la forja de una identidad que es nueva, aunque no occidental, extraída de la historia precolonial.

El colonialismo trajo el nacimiento de nuevos estados nacionales, realidades que antes no existían, que de alguna manera representaron la imposición de una idea occidental. Al mismo tiempo, sin embargo, las naciones tercermundistas vieron la luz paradójicamente a través de la resistencia al colonialismo. Muy frecuentemente lo nuevo de la identidad es que las comunidades que antes eran indiferentes o hostiles las unas con las otras, desarrollan un sentido de ser partes de una entidad. Una vez que esta idea surge, se inventa a ella misma en formas que provienen de lenguajes y culturas tradicionales con raíces en el pasado precolonial. Algo bastante similar sucede en un área como la que consideramos en la selva peruana.

La provincia de La Convención en el norte del Departamento de Cuzco, es una región particularmente interesante y ejemplar, característica de la selva peruana, que limita con las estribaciones andinas. Por razones de dificultad navegatoria a través de los rápidos de Pongo de Mainique, el bajo Urubamba permanece relativamente remoto, a pesar de que la colonización, la explotación forestal y petrolera, afecta y amenaza la identidad cultural de los grupos nativos indígenas, y en algunos casos su verdadera existencia. Es particularmente fácil observar y analizar los procesos de asimilación cultural aquí, en todas sus formas diversas y contradictorias; la región es como un microcosmos de la selva peruana en sus relaciones con la región andina, con los pueblos fronterizos, el mercado invasor y la sociedad nacional.

En este escrito, trato de considerar los procesos multidimensionales, contradictorios y simultáneos de aculturación o asimilación dentro de la cultura dominante por un lado, y la afirmación de identidad distinta por el otro, entre grupos nativos del bajo Urubamba (2). Confinaré principalmente mi atención a las comunidades *panoan* de *yaminahua* y *nahua* que viven en Sepagua.

Desde que ha existido civilización en los vecinos Andes, ésta ha sido una región de contacto e intercambio entre indígenas selváticos y sociedades andinas. Uno de los grupos nativos que viven en Sepagua, los *piro*, dominaron históricamente el comercio con los *incas* y probablemente con gobiernos andinos aún anteriores. Los petroglifos en Pongo de Minique indican ésto (3). Si bien los *incas* renunciaron a la conquista directa de la jungla, ésta era importante para ellos para proveerse de ciertas cosas vitales - especialmente coca y plumas de papagayos. Los *incas* impusieron un sistema de usufructo en esta región, así como en otras áreas fronterizas selváticas a lo largo de las estribaciones andinas, para asegurarse el abastecimiento de dichos productos. Si bien dejaron a los pueblos nativos básicamente intactos, han debido influirlos mucho en tanto que constituían un sociedad más sofisticada y en gran escala.

Después de la Conquista Española, esta relación entre los Andes y las selvas vecinas cambió; con el colapso de la civilización incaica, el complicado sistema de comercio fue destruido. Las relaciones fueron más locales y autárquicas, presumiblemente tal como habían sido mucho antes. En los tres siglos que siguieron a la Conquista hubo alguna actividad misionera en la zona, pero no muy constante. Las comunidades nativas deben haberse apenas dado cuenta, durante períodos considerables, de la presencia española – a diferencia del Gran Pajonal, dónde los misioneros dominicanos establecieron misiones que fueron expulsadas por un levantamiento extraordinario liderado por Juan Santos Atahualpa a principios del siglo dieciocho, resultando en un período de cien años durante los cuales se hizo poco esfuerzo para entrar a esa área.

Como en el resto de la Amazonía, fue el comienzo del »boom« del caucho (1860-1910) el que causó que las sociedades nativas conocieran plenamente a la sociedad dominante. Vastas concesiones fueron otorgadas por el gobierno a los implacables barones del caucho, quienes usaron un grupo de nativos para subyugar a otros; esclavitud, explotación, liquidación, muerte por enfermedades y desplazamientos forzosos de nativos causaron dislocación, y el despoblamiento es estimado en hasta un 10% de su nivel anterior al »boom« del caucho. A causa de la desorganización y desarticulación causada por el »boom« del caucho, fragmentos diseminados de distintos grupos nativos se juntaban, a veces, caóticamente. Para sobrevivir, individuos de etnias completamente distintas se congregaban frecuentemente en grupos.

Así sobrevivieron al »boom« del caucho, para experimentar otra vez el aislamiento entre 1910 y el período posterior a la Segunda Guerra Mundial. Luego comenzó un nuevo ciclo de extracción de recursos: de madera, pieles y eventualmente petróleo. Las plantaciones y los establecimientos ganaderos no habían proliferado en esta área, afortunadamente; aunque algunos colonos pobres de las tierras altas y de la costa habían llegado allí, tratando de establecer una nueva vida, talando una porción de la jungla. El período posterior a la guerra vio también un crecimiento de la actividad misionera, principalmente por parte de católicos dominicanos que habían establecido misiones como aquella de la legalmente establecida Comunidad Nativa de Sepagua, dónde brindaron atención escolar y sanitaria. Si, o en qué medida, influyeron sobre los nativos de Sepagua es un asunto de interés para ser considerado más tarde. Aunque los dominicanos tenían el derecho predominante para actuar en el área, el Instituto Lingüístico de Verano (SIL), norteamericano y protestante, también tiene una presencia allí.

La aldea o pueblo de Sepagua tuvo su origen en 1947 cuando se estableció la Misión Dominicana. Los primeros residentes nativos eran un pequeño grupo de *piro* que habían vivido allí antes; más *piro* llegaron en los años siguientes y durante toda la década del 50. En los 60 llegaron los *panoan amahuaca*, y luego en los 70 los *yaminahua*, ambos del río Purus. En cada uno de los últimos casos, los dominicanos negociaron con un grupo de nativos que estaba en dificultades para que vinieran a Sepagua. Parece que los nativos generalmente no llegaban a las misiones o »poblados« voluntariamente, es decir sin algún tipo de presión para que así lo hicieran. Siempre significa vivir en comunidades mucho más grandes que las que estaban acostumbrados – su modo tradicional de vida es en pequeños grupos, itinerantes, nómadas, con continuas fusiones y fisiones. Si bien son muy conscientes de su identidad como partes de grupos mayores, no vivían físicamente juntos, en forma tradicional. En todos los casos, como pasó con los *nahua* como ya veremos, llegaron buscando refugio debido a problemas, y tuvieron que aceptar ciertos términos junto con ello. Los *amahuaca* y *yaminahua* del área de Purus habían sido decimados durante la era del caucho; las comunidades no podían sobrevivir en su forma tradicional endogámica. La necesidad de mujeres exacerbó viejos modelos de hostilidad entre los grupos; las incursiones entre los grupos en procura de mujeres eran acompañadas, según Graham Townsley, por un acrecentamiento de las acusaciones de brujería (4). Por lo tanto, a pesar de las masivas reducciones de la población, los grupos estaban constantemente en guerra. El grupo de *amahuaca* que llegó a Sepagua en los 60 había sido prácticamente eliminado, antes de aceptar la invitación de los dominicanos. Una similar conducta precedió a los *yaminahua* antes de incorporarse a la comunidad en los 70. Así como sucedió a los *nahua* en los 80, cada grupo que llegó a Sepagua tuvo que sacrificar algunos elementos de su forma tradicional de vida. En cuanto a los *yaminahua* el sistema por el cual cada comunidad vivía en dos grandes *malocas*, como dos mitades, desapareció – aunque este cambio había comenzado antes de que llegaran a Sepagua; con ésto, toda la cosmología de sociedad y naturaleza como »orden dual«, como Townsley lo llama, perdió importancia. En Sepagua ahora construyen casas pequeñas, una para cada familia nuclear. El pequeño tamaño de cada comunidad de nativos ha implicado un aflojamiento de las normas endogámicas, en la medida que se reconoció la necesidad de algunos matrimonios con otros nativos, y algunos con no-nativos (ésto último visto como una forma viable de »vincularse« con la comunidad mestiza). Una negociación con las nuevas condiciones significa una pérdida, por lo tanto, de los ideales endogámicos (aunque la mayoría todavía se casa de forma endogámica) y de la cosmología dualista (según la cual, p.ej., todos los animales y plantas son de una o de la otra mitad, con la cual todos los individuos *yaminahua* están asociados). Cada grupo ha simultáneamente reaccionado frente a una pérdida como ésta, obteniendo determinadas ganancias: material, educativa, sanitaria, y seguridad – las cuales ellos valorizan, si bien, p. ej., hacen algunas críticas al modo por el cual la escuela es conducida por los sacerdotes. Estos logros, enfrentados a su memoria colectiva de dificultades y hostilidades, son la base de una nueva afirmación de identidad cultural – en un salto imaginativo la tradición cultural es reinventada, aunque en nuevos términos. Al mismo tiempo estas nuevas posibilidades sirven para »enganchar« a los grupos nativos a vivir en Sepagua; tendrían mucha dificultad de prescindir de ellas, de lo cual son muy conscientes, y han olvidado concretamente mucho de sus anti-

guas estrategias de existencia en la selva.

Sin embargo, la medida de la seducción »fetichista« o dependencia de los artículos de consumo y del tipo de poder e imágenes de estatus dependientes del dinero, refleja inversamente, en un grado considerable, la medida de la fuerza y la confianza de la comunidad – la medida en la cual los diferentes grupos experimentan control sobre sus existencias.

Por lo tanto, somos testigos de un complejo proceso voluntario e involuntario de aculturación, algunos de cuyos elementos son difíciles de desentrañar. Si bien es difícil para los nativos retornar a su antigua forma de vida en la jungla si ésto fuera posible, el reciente retorno de un grupo de *nahua* al río Mishagua, que estudiaremos más tarde, indica que ésto sigue siendo posible en lo que queda de selva virgen habitable y desocupada, si un grupo nativo así lo decidiera.

Por consiguiente, la historia de los grupos *panoan* de Sepagua es una compleja mezcla de etnocidio y reafirmación cultural. Una historia de agotamiento, emigración forzosa, establecimiento, actividad misionera, y adaptación a la »cultura dominante« en Sepagua – dónde los nativos habían tenido que negociar o reaccionar frente a los comerciantes y madereros mestizos, empleados de las compañías petroleras, artículos de consumo, trabajo asalariado y el mercado – ha resultado en alguna pérdida de la actividad económica tradicional. Si bien todavía cazan y recolectan, estas actividades son menos centrales que antes. Por otro lado, sus métodos de agricultura de quema y rastrojo no han sido significativamente alterados, a no ser que por la introducción de algunas nuevas cosechas. Ha habido alguna pérdida de actividades rituales y culturales, pero también un fortalecimiento en algunas áreas.

El *shamanismo* en particular ha sido fortalecido entre los *yaminahua*. Aunque algunos no participan más en las sesiones en las cuales la poción alucinógena *ayahuasca* (*shori* en yaminahua), es bebida, debido en parte al consejo de los misioneros, en parte a un deseo autogenerado de renunciar a ese aspecto de la tradición nativa, en general la importancia de las visiones de los shamanes ha crecido. A través de las visiones que el *shori* posibilita, los shamanes confrontan los espíritus, ancestros y figuras míticas; negocian con ellos, tratan de usar o dirigir sus fuerzas y poderes, los modelan para beneficio de la comunidad. La necesidad de negociar con otros grupos nativos y la comunidad no-nativa que los rodea, significa que hay muchas oportunidades para así desearlo. Los encuentros visionarios son una especie de recopilación psico-intuitiva de fuerzas y poderes para enfrentar personas y situaciones – podría ser visto como una metáfora activa para tratar con el mundo exterior. La importancia de los shamanes es sin duda resaltada por el respeto mostrado por algunos no-nativos hacia los poderes curativos de éstos, y su fascinación por las experiencias visionarias abiertas por el *shori*. Ciertamente, la estatura del principal shaman *yaminahua* en Sepagua, su reputación de hombre competente, capaz de tratar con el mundo -tanto dentro como fuera de la comunidad *yaminahua*- testifica la crucial importancia del shaman como un viajero visionario de la noche y un rápido, agudo negociante, negociador y solucionador de problemas, durante el día. Debe también ser físicamente fuerte, práctico, buen cazador y trabajador en la *chacra* y en otras tareas.

Nahua recién llegados en 1985. Foto: Tim Cloudsley.

Las circunstancias en las cuales los *nahua* fueron »contactados« por gente de Sepagua han sido registradas en varios lugares, (5) así que voy a dar solamente un brevísimo resumen aquí. Aunque la existencia de los *nahua* en las nacientes del río Manu y Mishagua (y su hostilidad hacia los sismólogos y madereros intrusos) han sido conocidas durante más de diez años previamente, el primer contacto sostenido fue hecho en 1984, cuando algunos madereros capturaron un grupo de *nahua* y los llevaron a Sepagua. En esta visita conocieron a los misioneros del SIL y al cacique/shaman de los *yaminahua*. Poco después de su retorno a sus territorios, un grupo de unos 130 *nahua* cayeron enfermos de neumonía como resultado del contacto, de los cuales murieron 50. El resto, débiles y sin fuerzas, aceptaron a los misioneros entre ellos para que les administraran atención médica. Parcialmente debido a esta dependencia, y parcialmente por el hecho de que los *nahua* y los *yaminahua* hablan la misma lengua, por lo que el shaman *yaminahua* vino a tener determinada influencia sobre los *nahua* enfermos, los últimos aceptaron una oferta de los empleados de la Shell de llevarlos a Sepagua, dónde la Shell tenía su base regional en ése entonces. Esto sucedió en 1985. Aunque la Shell no estuvo involucrada oficialmente en el traslado, una clara convergencia de intereses de la parte de los extractores de recursos, los misioneros, y la sociedad mestiza de lenta expansión, ha logrado remover a los *nahua* de su habitat.

Para los *nahua* su arribo a Sepagua fue una experiencia dolorosa y traumática. El grupo más grande, de unas 60 personas, tuvo que alojarse en una sola casa sin paredes, a pesar de que estaban acostumbrados a casas con techos que llegaban casi hasta el suelo. No tenían un aprovisionamiento alimenticio regular. Estaban acostumbrados a comer *yuca*, llantén y monos. Como no vivían cerca de grandes ríos, no pescaban, por lo que no estaban preparados para obtener pescado a su arribo a Sepagua. Era imposible cazar suficientes monos en un área con una considerable población humana y por supuesto tomaría varios meses antes de que se pudieran obtener alimentos de la agricultura. El cacique *yaminahua* les proveyó de alimentos, insuficientes y en forma irregular, mientras que la Shell se los negó alegando que implicaría su compromiso con el traslado y crearía expectativas de dependencia con respecto a ellos.

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Observar las reacciones de los *nahua* frente a su primer contacto con la »civilización« fue al mismo tiempo fascinante y trágico. Esto debe haber sido como un salto al futuro para ellos - aterrorizante, estimulante y extremadamente sorprendente al mismo tiempo, con muy poco para atenuar el shock al fin de su odisea. Estaban absolutamente fascinados con las ropas y materiales bastante nuevos para ellos, y muy rápidamente encontraron que les gustaban algunos nuevos alimentos como el azúcar. La forma con que miraban a los camiones de la Shell (los únicos vehículos en Sepagua) y los aviones Hércules cuando aterrizaban en la pista de la Shell, revelaba un asombro correspondiente a una escena de ciencia ficción.

El aspecto miserable de la experiencia fue que se vieron forzados a mendigar comida; no entendían el dinero o la idea de trabajo asalariado, por lo que les llevó tiempo integrar la noción de trabajar por comida o por dinero para comprar comida. Muchos mestizos no supieron entender su difícil situación y por lo tanto vieron sus prejuicios fortalecidos en cuanto a que los salvajes son perezosos y ladrones. Los nativos de otros grupos que vivían en Sepagua eran frecuentemente generosos, pero incluso algunos de ellos compartían esos prejuicios y algunos parecían dudar de que transformarse en »civilizados« era lo mejor para los *nahua*. Algunos de los niños huérfanos fueron tomados por familias generosas; por otro lado el cacique *yaminahua* habló de vender niños a las familias mestizas para que los educaran como sirvientes (aunque ésto no sucedió). Algunos de los hombres se emborracharon mucho con licor – al estar desacostumbrados al alcohol de tal graduación, éste los transformó de su estado normal, sereno y autocontrolado, en salvajes.

Los ancianos y los enfermos fueron los que más sufrieron obviamente; los jóvenes se adaptaron mejor. Algunos de éstos últimos comprendieron rápidamente cómo funcionaban las cosas y pronto estaban trabajando para obtener otras cosas además de la comida. La ropa y los sombreros parecían seducirlos; se cortaron el cabello y cambiaron sus tocados de plumas con sombreros de los empleados de la construcción dados por la Shell (¡si bien ésta no quería darles alimentos!) y las mujeres gradualmente reemplazaron sus vestidos hechos de semillas ensartadas en hilos de algodón por vestidos occidentales. O bien las ropas occidentales eran usadas sobre sus ropas tradicionales, ornamentos y cuerpos pintados, a veces en varias capas sucesivas! Esas reacciones podían bien ser simplemente fruto de una excitación inicial; el problema era que algunos de los *nahua* pudieran perder su deseo de volver a vivir en la selva mientras que otros se desilusionaran de la »civilización«. Si esto ocurriera, la comunidad podría dividirse. O, después de un largo período, podrían perder la habilidad para vivir de acuerdo a sus formas tradicionales.

Volví a Sepagua exactamente un año después de los eventos aquí antes descritos, en agosto de 1986. Los *nahua* se habían dividido tal como se temía, aunque parecía que los dos grupos estaban razonablemente equilibrados con respecto a edad y sexo, una situación que no se da frecuentemente cuando las comunidades nativas son alteradas. Aproximadamente unos 50 se habían ido a vivir al río Mishagua y 30 estaban todavía en Sepagua, aunque había algún movimiento de idas y venidas entre los grupos.

El grupo de Sepagua estaba todavía establecido en forma inefectiva en casas inadecuadas y algunos estaban todavía con mala salud, aunque generalmente su situación era menos lamentable que el año anterior. Habían cortado y quemado algunos campos para cultivar. Dependían de la misión dominicana para la asistencia médica y en poco tiempo sus niños comenzarían a asistir a la escuela de la misión. Como de costumbre, el proceso de »asentamiento« implicó pérdida de territorios, autonomía, y algunos aspectos de los estilos de vida tradicionales.

Los misioneros del SIL estaban con el grupo del río Mishagua y se ocupaban de su atención médica. Algunos nativos enfermos retornaron a Sepagua en agosto. Algunos del grupo de Mishagua trabajaban para los madereros. Generalmente estaban razonablemente sanos aunque un poco faltos de alimentos. Los *nahua* que volvieron al río Mishagua estaban bajo la influencia de un cacique anciano, o hacían acuerdo con él, que estaba descontento con el tratamiento que habían recibido de los habitantes de Sepagua.

Entrelazada con las tendencias etnocidas entre los indígenas *panoan* de Sepagua, se encuentra una forma de afirmación cultural. Las mismas amenazas a su supervivencia han resultado en adaptaciones que reafirman su identidad, si bien bajo formas nuevas. El cambio, y la necesidad de resistir influencias externas opresivas o complicadas pueden redundar en una reafirmación de la identidad cultural. Sucesivos grupos establecidos en Sepagua han actuado como guías para los siguientes: los *piro* para los *amahuaca*, los *amahuaca* para los *yaminahua*, los *yaminahua* para los *nahua*. La aculturación parece frecuentemente moverse por fases de seducción hacia la sociedad dominante, y luego a una reacción de reidentificación. La identidad previa no ha sido tanto un asunto consciente sino más bien automático, espontáneo e irreflexivo. Otra vez, la medida de la aculturación de un grupo nativo es generalmente dependiente de la velocidad de asimilación. Los *campa* y los *machiguenga* han tenido contacto durante siglos, mientras los *panoan* del Purus recién cuando el »boom« del caucho o todavía más recientemente. En algunos casos un mayor tiempo permite un acomodamiento considerado de forma más consciente, aunque en otros, dependiendo de sus experiencia, ha significado la aculturación. Generalmente el gran número de población y la homogeneidad de un pueblo – por ejemplo, 30.000 *campa* cubren un territorio homogéneo – es favorable al mantenimiento de la identidad. Los *panoan* de Purus son menos y viven en comunidades fragmentadas, sin embargo, como vemos han encontrado formas de resistir la asimilación.

El grupo más recientemente llegado, los *nahua*, tiene que negociar con el mundo mestizo de Sepagua, más poderoso, y el de los *yaminahua* (y en menor grado con aquellos de los otros grupos nativos). El problema principal que observé entre los *nahua* en 1990, después de que habían vivido cuatro años en Sepagua, era la pérdida del incentivo de los hombres para cazar (más que entre los hombres *yaminahua*, quienes paradójicamente han estado allí durante más tiempo). La falta de proteínas causa letargo a veces, e implica la seducción de comprar alimentos con dinero, y por lo tanto una continua inclinación a la mendicidad. Esto va de la mano con una continua falta de comprensión del dinero y el intercambio monetario, especialmente de parte de las mujeres quienes tradicionalmente no se han dedicado ni siquiera al intercambio no monetario. Pero actualmente los *nahua* viven en buenas casas, la comunidad es vibrante, y tienen *chacras* con una variedad de cosechas. Las mujeres normalmente usan sus ornamentos tradicionales, a pesar de que a veces usan ropas occidentales. Pero también a veces los hombres usan ornamentos tradicionales, frecuentemente con ropas occidentales.

Los *amahuaca* y los *yaminahua* eran tradicionalmente enemigos acérrimos, siendo la hostilidad apuntalada por rivalidades sobre territorios y mujeres. Esta se veía exacerbada por las consecuencias del »boom« del caucho, tal como ya ha sido explicado. En la Comunidad Nativa de Sepagua han tenido que vivir juntos, y para sobrevivir han tenido que casarse entre ellos (si bien el primer grupo de *yaminahua* que llegó a Sepagua en los 70 fue matado por los residentes *amahuaca*). Alvarez Lobo, la cabeza de la misión dominicana de Sepagua durante largo tiem-

po, señala que ésto a causado en alguna medida, una fusión de rasgos culturales entre los dos grupos culturalmente similares (6). Considera que ésto es un enriquecimiento cultural, hecho posible por la Comunidad.

Los *nahua* antes de llegar a Sepagua no ingerían *ayahuasca* y el shamanismo *yaminahua* no les era familiar. Ahora los hombres *nahua* son aprendices o iniciados, y participan de esta rica fuente de experiencia cultural *yaminahua*, seguramente para ventaja de los dos grupos. Los niños del shaman *yaminahua* pueden cantar canciones andinas en quechua o español, o canciones brasileñas en portugués. El shaman vuela en avión más frecuentemente que en águila, como lo hacía antes en sus visiones. El compara sus visiones shamánicas con un film cinematográfico, ya que vio una película cuando fue a Pucallpa. Esta incorporación de tecnologías de la sociedad dominante para sus poderes mágicos es seguramente creativa culturalmente, más que etnocida. No hay indicación, mientras tanto, de que los mitos tradicionales han perdido su sentido para él.

Para un misionero dominicano »progresista« como Alvarez Lobo, estas características positivas de la Comunidad Nativa de Sepagua sirven para legitimizar la misión y los valores existentes en el »asentamiento« de nativos. Para él, el catolicismo permite a los nativos afirmar su identidad. Hay por supuesto diferencias entre los misioneros católicos en lo atinente a su »metateoría« o »grandes relatos« de la historia. Podríamos compararlos por un momento con una versión determinista o »vulgar« del marxismo (aunque por supuesto hay otras versiones), cuyo esquema ve a la sociedad »primitiva« llevando a una serie de sociedades clasistas, culminando en el capitalismo que conlleva el nacimiento del proletariado mundial. Este último es el heredero de todas las formas previas de sociedad, y se une para abolir todas las formas de opresión social y crear una civilización nueva, global, socialista. Las sociedades nativas son arrojadas a un lado en esta gran barrida histórica, transformándose en proletarios – ciudadanos del »mundo«, no pertenecientes más a una identidad nativa distinta. El socialismo es la única y necesaria solución para todos los problemas humanos, incluyendo aquellos de los nativos, cuya forma es revelada a los teóricos marxistas. Una ceguera dogmática, etnocéntrica, con respecto a todas las distinciones humanas más allá de las relacionadas a las clases, ubica a los pueblos »indígenas« meramente como un sector del campesinado o de la clase trabajadora.

Para un católico »progresista« la »metahistoria«, como la del catolicismo de Alvarez, está destinada a redimir a los nativos de sus sufrimientos, injusticias y explotación, devolviéndoles su identidad de una forma »verdadera«. La cultura tradicional nativa es respetada en algún grado pero la solución a los problemas de la historia es el catolicismo; aunque, de hecho, esta forma de actividad misionera frecuentemente sirve para aculturar a los nativos a las normas y valores de la sociedad capitalista dominante, es vista por los misioneros como proveedora de una alternativa y un escudo frente al capitalismo, que es reconocido como explotador y deshumanizante.

La impresión de los misioneros del SIL, por otro lado, es que ellos salvan a los nativos de ellos mismos y de su mundo de perdición (7). En informes escritos por los primeros misioneros que encontraron a los *nahua* cautivos en Sepagua en 1984, el evento es referido como un »descubrimiento« del »pueblo perdido«. Un autor escribe: »Me maravillé ante la Divina providencia...trayendo a ésta gente asustada a la luz« (8), y otro dice que ellos »expresaron su deseo de dejar de matar y vivir en paz. También dijeron que querían ayuda« (9).

Para los misioneros del SIL, el cristianizar a los nativos significa otorgarles la verdadera religión, pero también bastante conscientemente, ofrecerles los beneficios de la moderna sociedad tecnológica de consumo. Afirman explícitamente que su rol debería incluir la adaptación de los nativos a los conceptos capitalistas de trabajo asalariado, producción para el mercado, propiedad individual, y prosperidad material. Aunque algunos misioneros católicos comparten este punto de vista, otros no lo hacen – a pesar de que, como se sugiere anteriormente, el resultado de su trabajo es, de cualquier manera, la instauración de dichos valores.

Hay otros »grandes relatos« para la historia nativa que vienen de afuera. La visión indigenista es esencialmente separatista y purista: la identidad y el estilo de vida tradicionales constituyen las únicas categorías significativas. Para el punto de vista secular liberal, los pueblos indígenas son simplemente gente, pero en tanto que individuos, no partes de una clase como para el marxismo reduccionista antes mencionado. Si bien inadecuadas, las Leyes de las Comunidades Nativas desafían al menos la presunción antiétnica de éste último, reconociendo en principio una especie de propiedad diferente a la capitalista, y permitiendo que la diversidad cultural es inseparable de la eficacia productiva económica y los derechos políticos.

¿Puede haber una visión genuinamente desinteresada, auténtica de la autodeterminación indígena? ¿Un compromiso con la diversidad, diferencia, e igualdad con justicia frente a las presiones de una sociedad global intrusa? Si es que puede existir, debe estar obviamente basado en lo que los nativos mismos quieren. Pero no se puede evadir la dificultad de que, tan pronto como se establece el contacto y a partir de ése entonces, las influencias externas originan diferencias dentro de las comunidades nativas sobre cómo definir y realizar sus deseos. El mismo proceso de contacto con la civilización dominante tiende generalmente a fragmentarlos. Un área completamente nueva de necesidades emerge entonces: de una esfera pública de diálogo, discusión y debate indígena. La autodeterminación indígena tiene que ser vista como la democracia indígena.

Notas

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3. Ver Luis Román: *Aproximación a una Realidad aparte: la convivencia Piro-Campa* en *Relaciones Intertribales en el Bajo Urubamba y Alto Ucayali*, Documento 5, Centro de Investigación y Promoción Amazónica, Lima, 1983.
4. Ver Graham Townsley: *Ideas of Order and Patterns of Change in Yaminahua Society*, tesis inédita de PhD, Universidad de Cambridge, 1988.
5. Los siguientes son nada más que algunos: Supervivencia Internacional *Urgent Action Bulletin*, Londres, octubre 1984; Alonso Zarzar: *Report and Research Plan on Social Organization and Cosmology among the Nahua*, inédito, Lima, noviembre de 1984; *Amazone-Indianan Tegen shell in Peru*, en *Tribaal*, marzo de 1985; *Nahua people suffer the perils of contact* en IWGIA Newsletter No. 45, Copenhague, abril de 1986 (Fuentes: Luis Román: *Crónica de una muerte anunciada, Pueblo Indio*, no.7 Lima, 1985); Tim Cloudsley: *Shell's Search for Oil and its Effects on Natives in the Lower Urubamba Region of the Peruvian Jungle*, Informe de Investigación para Supervivencia Internacional, febrero 1987; Alonzo Zazar: *Radiografía de un Contacto: Los Nahua y la Sociedad Nacional in Amazonía Peruana*, No. 14 Vol. VIII Lima, mayo de 1987.
6. Ver Ricardo Alvarez Lobo: *TSLA Estudio etnohistórico del Urubamba y Alto Ucayali*, Editorial San Esteban, Salamanca, 1984.
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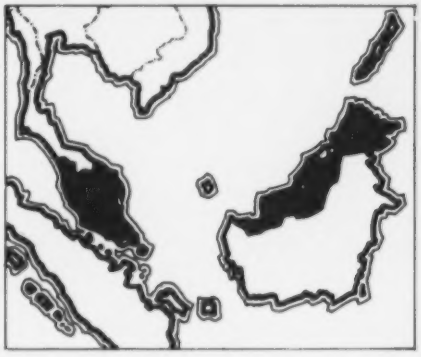
8. *Impressions of the Week of June 11-15, 1984: »Parquí-nahua Contact«*, documento SIL, 1984.
9. *Some Questions Focused on the First Six Months after Contact with an Isolated Ethnic Group*, documento SIL, abril de 1985.
10. Para una discusión sobre este asunto general ver: Andrew Gray: *Perspectives on Amarakaeri History, Etnologiska Studier 38, Natives and Neighbours in South America, Anthropological Essays* (eds) Harald O. Skar y Frank Salomon, Göteborgs Etnografiska Museum, 1987. ❑

Sarawak:
La grave situación de los indígenas empeora



Nuevos bloqueos, más detenciones

Recientemente, el Juzgado de Primera Instancia de Bintulu ha condenado a prisión a ocho indígenas *iban* por »intimidación criminal«.

Habían levantado barricadas para impedir que los trabajadores forestales entraran ilegalmente en sus tierras comunales y en la reserva comunal.

Desde 1987, han sido detenidos más de 300 indígenas.

Entretanto, 400 *penan*, hombres, mujeres y niños, en la zona de Ulu Selaan y aproximadamente 100 indígenas *kayan* de la comunidad de Batu Keling en Belaga han levantado barricadas humanas desde el mes pasado aproximadamente.

Los eventos citados son partes de una continua y creciente protesta no violenta y una larga y penosa lucha de parte de los indígenas de Sarawak para defender su tierra, su modo de vida – su misma existencia.

Los sucesos también revelan la vergonzosa y escandalosa indiferencia de tanto el estado Federal como los Gobiernos Estatales, acerca de esta grave situación de los indígenas que ha tenido lugar durante muchos años.

En vez de analizar su situación, el Gobierno manda personal del ejército y de la policía a los lugares del bloqueo para hostigar, intimidar y arrestar a los indígenas. La explotación forestal se ha intensificado, alcanzando a las selvas más profundas y remotas, trabajando en turnos de 24 horas cortando árboles bajo la luz de proyectores.

La difícil situación de los indígenas sigue agravándose. Unas mujeres indígenas nos cuentan que a veces sólo comen arroz y sal. Su aprovisionamiento de aguas está deteriorado porque muchos retenes de agua han sido destruidos a causa de la explotación forestal. Y como último recurso, muchas familias se han trasladado a las ciudades como ocupantes ilegales y para buscar trabajo. Muchas mujeres indígenas trabajan de prostitutas a causa de la pobreza.

Destrucción sin sentido

La conspiración entre las autoridades Estatales, los poseedores de la concesiones forestales y las compañías contratistas, para la explotación forestal y la privación a los habitantes de su legítimo uso de la selva ya empezó en los años 70.

Pacientes y tolerantes, tal como son naturalmente, y después de apelar varias veces a los gobiernos, sin éxito, recién en los años 80 los indígenas decidieron tomar la acción necesaria para defenderse ellos mismos, sus tierras, y sus futuras generaciones.

En diciembre de 1986, un grupo de jefes *penan* informaron al Gobierno Estatal que a menos que tomara acción para impedir las operaciones de explotación forestal en la zona de Ulu Baram, tomarían »la acción apropiada para defendernos«.

Pero sus protestas no tuvieron ningún resultado.

Las motoniveladoras, camiones y motosierras continuaron a destrozando la selva hasta hacerla añicos. Causaron una grave erosión e inundaciones. Las aguadas se enturbiaron y se hicieron impropias para el consumo humano. Los niños no tenían alimento suficiente. Los vegetales y plantas medicinales de las cuales los indígenas dependen para su existencia fueron destruidos. La fauna ha desaparecido.

Las moradas sagradas de meditación de los espíritu forestales de los indígenas, y las sagradas sepulturas de sus seres queridos y de sus antecesores fueron profanadas por las motoniveladoras a la vista de todos.

Los indígenas no sabían que ésto era sólo el principio de una larga lucha contra todo el poder de los intereses forestales y el poder del sistema del mundo moderno motivado por la codicia.

Bloqueos humanos

Las apelaciones constantes a las autoridades e incluso a las compañías de explotación cayeron en oídos sordos.

Desesperados, los indígenas, que por naturaleza son ciudadanos muy leales, amantes de la paz y obedientes de las leyes, decidieron levantar barricadas, bloqueando las carreteras de acceso.

Las barricadas se componían de madera y pedazos de madera frágil y sus propios cuerpos humanos – una centena de hombres, mujeres y niños parados a través de toda la carretera, impidiendo el paso a los camiones madereros.

Los bloqueos empezaron en marzo de 1987 en los distritos de Baram y Limbang donde la explotación forestal era más intensa. Llegaron a levantar 25 barricadas ese año.

Los camiones no podían pasar. Se detuvo la explotación forestal durante varios meses. Pero esto sólo fue la calma previa a la tormenta.

Falsas garantías

Los indígenas, especialmente los *penan*, tenían la esperanza de obtener una reacción positiva de parte del Gobierno Estatal a sus numerosas súplicas y peticiones.

Esta esperanza se reforzó por una visita de jefes indígenas y representantes *penan, kayan, kenyah, kelabit lun bawang* y las comunidades *iban* a Kuala Lumpur en junio de 1987.

La delegación tuvo varias reuniones con Ministros Federales incluso con el Diputado Primer Ministro. Les escucharon con simpatía los problemas causados por la explotación forestal, y les prometieron presentar el asunto al Gobierno Estatal.

Cuando había pasado más de tres meses, desde aquella visita »histórica,« las autoridades todavía no habían tomado medidas para resolver el problema de los indígenas causado por las actividades de explotación forestal. En realidad, el estado de cosas se agravó.

Detenciones

En el mes de agosto de aquel año, en dos incidentes diversos, dos *penan* fueron arrestados y acusados de haber quemado seis puentes que pertenecían a las compañías de explotación forestal.

Dos meses más tarde, en una operación simultánea, la policía inspeccionó todos los sitios bloqueados y mandó a los indígenas

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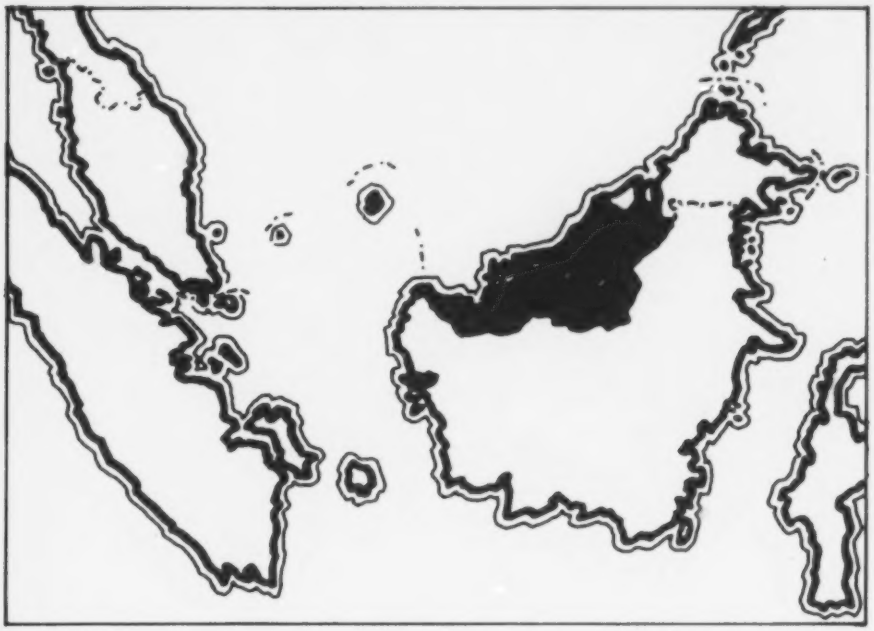

que desmontaran las barricadas, 42 aldeanos de Kayan fueron arrestados en relación con su bloqueo en Uma Bawang.

Harrison Ngau, que era el representante de SAM en ese entonces, fue detenido bajo el Decreto de Seguridad como parte de una serie de detenciones a escala nacional.

Enmienda de la ley

Incapaz de quebrar las inflamadas protestas no violentas, el Gobierno de Sarawak decidió cambiar las reglas del juego. El 25 de noviembre de 1987, la Asamblea Legislativa enmendó la Ordenanza Forestal Estatal, y criminalizó el levantamiento de construcciones en las carreteras construidas por personas o compañías con licencia para la explotación forestal o que tengan un permiso especial. El delito implica una pena de prisión por un período de dos años y una multa de $6.000.

Era evidente que la nueva ley tenía el propósito de refrenar ulteriores tentativas de parte de los indígenas para proteger sus tierras y selvas. Les negó claramente el derecho a proteger sus propiedades.

En febrero de 1988, en una reunión de representantes *penan*, se acordó que la enmienda era injusta porque la mayor parte de las carreteras de explotación forestal atraviesan su tierra y propiedad. Por lo tanto tienen el derecho a hacer bloqueos en su propia tierra para protegerla.

Explotación forestal en gran escala

La difícil situación de los indígenas se agravó cuando quitaron los bloqueos y se puso en vigor la nueva ley que prohibía los bloqueos.

Las compañías de explotación forestal retomaron el trabajo a toda velocidad. En algunas zonas, el resto de la selvas fue talado implacablemente. »Cortan troncos todos los días incluso cuando llueve fuertemente,« dijo Juing Lihan, un jefe de Long Bangan.

En el Distrito de Baram, el derribamiento de árboles se realizaba las 24 horas del día, en tres turnos.

Esto despertó la angustia e ira de miles de indígenas.

Durante todo el mes de julio de 1989, las zonas de Baram y Rejang experimentaron una grave sequía. El suministro de agua era escaso y hubo una ola de enfermedades especialmente entre los niños indígenas que no tenían más remedio que usar agua contaminada.

En el caso de las comunidades »longhouse« (casas comunitarias) la sequía había perjudicado su siembra y sus cosechas de arroz para el próximo año. Algunas comunidades *penan* estaban al borde de la hambruna.

La industria forestal había iniciado operaciones a gran escala en la zona de las vertientes de la cuenca del río Baram.

Más detenciones

La explotación forestal, intensiva e indiscriminada de las compañías de explotación forestal, tuvieron como consecuencia un aumento grande de nuevos bloqueos. Consecuentemente, también hubieron más detenciones. (Desde 1987, más de 300 indígenas han sido arrestados. Muchos han sido absueltos o excarcelados. Los más están esperando que se les procese).

Mientras que estaban en la cárcel, los indígenas fueron hostilizados, humillados e intimidados por las autoridades y el personal policial. Algunos de los indígenas también han acusado a la policía de brutalidad.

Hipocresía

El arresto y la intimidación de los indígenas sigue, incluso hasta hoy día.

Los indígenas de Sarawak no entienden porque les tratan como si fueran criminales o delincuentes o personas sin ningún derecho. Como es su tradición, siempre han considerado al Gobierno como un padre benévolo que se ocupa de las necesidades de sus hijos. Sin embargo, esta confianza ha sido destruida por un Gobierno Estatal que ha mostrado poco o ningún interés por su situación, y que parece tener más interés en expedir licencias para cortar los árboles de la selva y proteger las compañías madereras.

Es irónico que mientras los Gobiernos Federales y Estatales han expresado su determinación de acabar con la explotación forestal ilícita, no han mencionado una palabra o tomado medidas para impedir la destructiva explotación forestal que tiene lugar en Sarawak.

Es en realidad una burla hablar de una »sociedad que se preocupa por los habitantes«, cuando el Gobierno y particularmente los medios de comunicación han tratado los sufrimientos y el tratamiento inhumano que se imponen a los indígenas, como si no fuera un problema.

A menos que el Gobierno tome medidas inmediatas y serias, la grave situación de los indígenas de Sarawak se transformará en una calamidad enorme y una vergüenza para la nación.

La medida más apropiada que se puede tomar, es impedir las operaciones de corte de árboles en Sarawak y reconocer y respetar los derechos legales de los indígenas de Sarawak conforme a la ley territorial de Sarawak.

Sigue la intimidación policial

Además de tener que luchar con las compañías madereras que entran ilegalmente en su tierra, los indígenas también han sido víctimas de un tratamiento violento de parte del personal policial en contravención a su autoridad.

Contrario a la garantía que el IGP les había dado en la reunión que tuvo lugar en junio de 1987, los indígenas declaran que la policía (fuertemente armada con ametralladoras) en muchas ocasiones les han forzado a desmontar sus bloqueos.

En diciembre del año pasado, el personal de las Fuerzas Especiales de la Policía abusaron de los indígenas, llamándolos »binatang« (animales) »berotak batu« (cabeza dura) y diciéndoles que »misti dihapuskan« (había que destruirlos).

El personal policial también disparó varios tiros de aviso para intimidar a los indígenas desarmados.

También han dicho a los indígenas que no tienen ningún derecho a la tierra.

El 22 de setiembre del año pasado, 42 *kayan* que fueron arrestados el 29 de octubre de 1987 por la Policía Real de Malasia y fueron liberados el 24 de abril de 1989 cuando el fiscal retiró todos los cargos contra ellos, hicieron una demanda judicial contra el Gobierno. En la declaración de la demanda los demandantes afirmaron que:

- Durante su detención en la comisaría de Marudi, fueron sometidos a interrogación intensa e injustificada.
- Estuvieron encerrados en una sola celda totalmente inadecuada para albergar a 42 personas.
- Las condiciones higiénicas en la celda eran horribles. Solamente había una cubeta como retrete y no estaba limpia. Había excremento humano por todo el suelo de la celda.
- Tuvieron que dormir apretujados en el suelo y no se les permitió otra ropa que su ropa interior. Tuvieron usar la misma ropa interior, durante todo el período de su detención.
- La comida era insuficiente y a veces les dieron alimentos podridos y de ninguna manera adecuados para el consumo humano.
- Algunos se enfermaron y tuvieron que ser tratados en el hospital de Marudi.
- Su injusto encarcelamiento les había privado de sus derechos fundamentales, garantizados por la Constitución Federal.
- La arbitraria actitud de la policía les ha causado mucha humillación y les ha expuesto al ridículo y desprecio públicos.
- También sufrieron de angustia mental y desesperación.

En vista de la arbitraria, opresiva e infundada acción policial, los demandantes han exigido indemnización del gobierno.

Iban encarcelados, el abogado apelará

El Juzgado de Primera Instancia de Bintulu ha condenado a ocho indígenas *iban* a prisión y han puesto en libertad a otro acusado al final de un proceso el 3 de agosto de 1991.

A saber, los nueve indígenas *iban*: Dana ak Chupong, Janaak Gunggi Tuai Rumah Senaon ak Entrie, Jubo ak Baong, Maling ak Sanggin, Anchai ak Jaroh, Jingan ak Budak, Jantai ak Jantung y Bungin ak Angki son todos de Rumah Senaon Sungai Sangan, Tatau, la División de Bintulu.

Las nueve personas fueron arrestadas a principios de abril de este año a continuación de una serie de protestas de parte de las comunidades indígenas en Sangan, en el área de Tatua, contra las actividades de una compañía de explotación forestal Shin Yang Sdn. Bhd., contratista de Kuba Jaya Sdn. Bhd. Han proclamado que la mencionada compañía forestal estaba invadiendo su tierra comunal y reserva comunal sobre las cuales tienen establecido derechos consuetudinarios indígenas. Mas de 70 personas incluyendo a hombres, mujeres y niños tomaron parte en esa protesta que al final tuvo como resultado la detención de las nueve personas.

Antes de las protestas, estos indígenas habían intentado reunirse y negociar con las autoridades correspondientes y la compañía concerniente, pero sin éxito. Dicha compañía siguió invadiendo sus tierras. »No teniendo otra opción, hemos recurrido a la protesta sin la mínima intención de perjudicar a nadie,« dijo una de las personas acusadas, Encik Dana ak Chupong, quien fue puesto en libertad al final del proceso.

Las nueve personas denunciadas estaban acusadas de intimidación bajo la Sección 503 del código penal.

Al final del juicio del 3 de agosto de 1991, el magistrado determinó que ocho de los acusados eran culpables del delito y les condenó a prisión. Jana ak Gunggi fue condenado a nueve meses mientras las siete personas restantes fueron condenadas a seis meses de prisión.

Cuando estableció la condena, el Magistrado subrayó que asuntos de este tipo (disputas) proliferan y por eso la pena tiene que servir como un factor disuasivo. También comentó además que hay muchas maneras de arreglar estas disputas, pero no explicó como.

El acusador en el proceso era el inspector ASP Anthony Sim mientras el Abogado Antalai Sawin, de Miri se encargó de la defensa. El proceso estaba presidido por el Juez Jagit Singh en Bintulu.

Cada una de las ocho personas, está cumpliendo sus penas en la cárcel de Lambir, Miri.

Encik Dana ak the Chupong dijo, »Ante todo, me preocupo por las familias de las personas implicadas, por las necesidades de todos los días; porque las personas encarceladas son los únicos sostenes de las familias. En cuanto a sus granjas, las cuales hay que atender, los vecinos y los que viven en las casas comunitarias les darán una mano. Quiero apelar a todos los miembros del público que se interesen y que tengan simpatía por el asunto, para que den ayuda moral y de todo tipo a las familias agraviadas. Mis compañeros no están en la cárcel por haber robado o por haber hecho cosas malas sino por haber defendido lo que legítimamente es nuestro.«

Su abogado defensor, el señor Antalai Sawin va a apelar contra la decisión frente al Tribunal Supremo.

Indígenas *kayan* forman barricadas humanas.

Aproximadamente, 100 indígenas *kayan* de la comunidad de Batu Keling en el Distrito de Belaga, en la División de Kapit, han organizado una barricada humana en la parte superior del río desde el 29 de julio de este año.

La comunidad está protestando contra la compañía maderera, WTK Sdn. Bhd. y su contratista Carina Sdn. Bhd. por haber invadido su Tierra Nativa por Derecho Consuetudinario (NCR).

La compañía maderera también han construido un enorme puente a través del río Balui que está un poco más arriba de las »casas comunitarias« de los indígenas.

Las compañías madereras se han aprovechado del estación seca y la explotación forestal ha sido intensa en ese período.

Las actividades de talado de árboles y la construcción del puente, han dañado a las selvas de los indígenas, tierras agrícolas, y tierra de *temuda* (barbecho) y ha creado problemas en cuanto a la navegación en los ríos.

Antes de los bloqueos, la comunidad había negociado pacíficamente con la compañía en varias ocasiones para pedir una indemnización justa y responsable. Pero sus peticiones fueron continuamente ignoradas. Cuando la situación de la explotación forestal se agravó y la compañía continuó invadiendo su tierra, los indígenas no tuvieron más remedio que protestar contra la compañía y los taladores.

Entonces la compañía hizo una denuncia policial e inmediatamente fueron enviadas tropas policiales de Kapit para mantener el orden en el lugar de los bloqueos.

Las mujeres indígenas de Sarawak denuncian: »Nuestra situación se ha agravado«

Recientemente, unos 20.000 afortunados invitados, colmados por el aroma de 7.000 ro-

sas rojas, 1.000 importadas especialmente de Singapur, desearon, a una pareja de recién casados, »felicidad« y »buena salud«. Fue la boda del año, celebrada con gran pompa, grandiosidad y extravagancia.

Pero fuera de Kuching, en el interior de Sarawak, muchos indígenas no son tan afortunados. Sufren hambre, desnutrición y enfermedades. Su tierra ha quedado inundada, sus cosechas destruidas, y su agua contaminada, están furiosos y desesperados.

»Me he encontrado muy mal de salud durante un largo período... » No he comido bien,« dijo Urai Jau en voz baja. »A menudo solamente arroz y sal,« agregó. El cuerpo flaco de esta mujer de 37 años de edad era más elocuente que sus palabras.

Otra mujer, Atan Apun, una *penan* de Long Buang interrumpe: »Somos gente pobre. Hemos perdido todo.«

Estas mujeres viven en un zona con mucha explotación forestal - según las autoridades, la explotación forestal ha tenido lugar »selectivamente« y en forma »sostenible«. Pero ¿qué dicen las mujeres que viven en una zona con explotación forestal selectiva y sostenible?

Urai Jau es de Long Bemang, que está a una distancia de dos horas con barco rápido de Marudi. Después hay que viajar media hora por tierra para llegar a esta casa comunitaria *kayan*. Tiene más de 100 puertas y viven en ella aproximadamente 1.000 personas.

La compañía llegó y tomó lo que quería y se fue sin pagar ni un sólo *sen* a la gente,« dijo Urai. »Tenemos que afrontar muchos problemas ahora,« se lamentó.

»Si llueve fuerte durante un día entero, tendremos inundaciones. A veces el nivel de agua puede alcanzar 4 pies. Este año ya hemos tenido dos inundaciones. Una en febrero y otra en mayo,« dijo Urai.

»La carretera que hacen para cortar los árboles de la selva, atraviesa nuestra tierra. Cuando llueve, la tierra expuesta es arrastrada a nuestras granjas.«

»Cultivamos padi, cacao, café, verduras y árboles frutales en nuestra tierra. Todo esto queda destrozado por la arena de las carreteras que hacen cuando cortan y transportan los troncos«, agrega con una combinación de cólera y tristeza en su voz.

Otra indígena, Uring Anuie, cuenta la misma historia: »Los taladores vinieron y se fueron. Ahora nos han dejado en la pobreza y con una tierra arruinada. Nunca sacamos ningún beneficio de la explotación forestal. Nos sentimos defraudados y robados.«

»Antes de que llegaran las compañías madereras, podíamos cazar jabalíes para comer. Ellos los ahuyentaron.

»Entonces empezamos a criar cerdos. Pero nos encontramos con que teníamos que dar de comer a los animales cuando nosotros mismos no teníamos suficiente comida. Ahora compramos carne de cerdo al precio de $10 el kilo.

Habitantes penan de Sarawak. Foto: Third World Network.

»Cultivamos verduras y frutas para nuestro propio consumo. En mi granja tengo pepino, kangkong, judías largas, tapioca, papaya, plátanos y ananás. Pero las ardillas representan una amenaza muy grande en nuestras granjas ahora. Antes no nos molestaban. Quizás será porque han cortado los árboles frutales en la selva, y así las ardillas y otros animales dañinos vienen a la búsqueda de alimento a nuestra granja,« contó Uring con emoción.

Tanto Uring como Urai dijeron que el estado de salud de los niños de las casas comunitarias ha empeorado. Son propensos a dos enfermedades – diarrea y enfermedades cutáneas. ¿Es de sorprender?

En parte, los indígenas en Long Bemang son afortunados ya que no tienen que viajar durante horas enteras para obtener asistencia médica. Tienen una pequeña clínica administrada por cuatro personas en su casa comunitaria. Esta clínica también funciona para muchas otras casas comunitarias.

»Un gran número de niños ha muerto de diarrea y cólera,« dijo Uring. Uring tiene una enfermedad cutánea que se cura con un ungüento. En su casa comunitaria se dan los ungüentos en una bolsa de plástico – no en un recipiente. Atan Apun, una mujer *penan* de Long Buang está haciendo frente a similares problemas en su casa comunitaria que está cerca de Long Bemang.

Atan es agricultora. No sabe ni leer ni escribir. Pero sabe que el clima está cambiando.

La frecuencia de los períodos de lluvia y de sequía es caótica ahora. Las inundaciones han destrozado su granja y ella no puede hacer nada.

Es cierto que es analfabeta pero sabe que la explotación forestal ha perjudicado su vida y la ha empobrecido, está con hambre y susceptible a enfermedades.

»La carretera que han hecho para cortar y transportar los troncos está muy cerca de mis arrozales. A causa de esto, el padi ya no crece muy bien. La tierra es estéril ahora,« ha dicho Atan. Las heridas en sus piernas muestran claramente los otros problemas causados por la explotación forestal. Pero ¿por cuánto tiempo van a repartir medicinas en las clínicas de sanidad? No sirve para nada, si no se quita el origen de los problemas.

Para superar el hambre y la desnutrición, muchos indígenas han recurrido a comer alimentos en lata. Pero los enlatados son caros y los indígenas tienen muy poco dinero.

Latas de alimentos, expiradas, oxidadas y contaminadas también van a terminar en las casas de los indígenas. Para un indígena, llenarse el estómago tiene prioridad a la calidad y seguridad.

¿Qué futuro tienen Atan, Urai, Urin y los demás indígenas? ¿Les contamos de la Visión 2020?

Fuentes: Utusan Konsumer No. 238, agosto, 1991, Penang. ❑

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Los Orang Asli y los Derechos Humanos

Por: Colin Nicholas y COAC
(Center for Orang Asli Concerns)

¿Quienes son los Orang Asli?

Los 83.000 *orang asli* no son un grupo homogéneo. Antropólogos y funcionarios los han clasificado como pertenecientes a 19 grupos étnicos diferentes, cada uno con su propia lengua y cultura. Los orang asli tienen igualmente diferentes ocupaciones y formas de vida. Quitando un pequeño número que vive en las áreas urbanas y están dedicados a trabajos de tipo urbano, la mayoría de los orang asli todavía dependen de los recursos básicos para subsistir.

Por ejemplo, los *orang laut*, los *orang seletar* y los *mah meri*, viven cerca de la costa y son básicamente pescadores. Algunos pueblos *temuan, jakun* y *semai* se han dedicado a la agricultura permanente y ahora controlan su propio caucho, aceite de palma y plantaciones de cacao. De todas maneras, cerca del 40% de la población orang asli, incluyendo a los *semai, temiar, che wong, jah hut, semelai* y *semoq beri*, viven cerca o dentro de zonas boscosas. Aquí se dedican a la agricultura »swidden« (quema y rastrojo), cultivo de arroz en las colinas y a la caza y la recolección. Estas comunidades también comercian con *petai, durian* y *rattan* para ganar dinero en efectivo. Un numero muy pequeño, especialmente entre los grupos *negrito/semang* (por ejemplo, *jahai* y *lanoh*) son todavía muy móviles, prefiriendo trasladarse de un lugar a otro buscando comida en los bosques.

Sin embargo, debido a su estatus de primeros habitantes de esta tierra, y debido a que su situación es de abandono general y pobreza, se les debería conceder derechos específicos para corregir el daño que se les ha ocasionado. Y con ésto nos estamos refiriendo más a los derechos comunitarios que a los derechos individuales.

En términos de los Derechos Humanos fundamentales los orang asli, tanto como los otros habitantes de Malasia en general, están lejos de disfrutar los diferentes derechos incluidos en la Ley Internacional de Derechos Humanos. En este sentido los orang asli padecen doblemente porque además de todo el espectro de leyes injustas como el Decreto de Secretos Oficiales, y el Decreto de Seguridad Interna, los orang asli están restringidos por una ley adicional: el Decreto de los Pueblos Aborígenes.

Un decreto especial para los orang asli

Originalmente decretado en lo más álgido de la Emergencia, en 1954, el Decreto de los Pueblos Aborígenes sirvió básicamente para prevenir a los comunistas insurgentes de conseguir ayuda de los orang asli. También pretendía impedir a los insurgentes impartir su ideología a los orang asli. Por esta razón hay estipulaciones en el Decreto, que permiten al Ministro concerniente el prohibir a cualquier no orang asli de entrar en el área orang asli, o prohibir la entrada de cualquier material escrito, impreso (o cualquier cosa que sea capaz de trasmitir un mensaje).

Sin embargo, más importante, el Decreto fija determinadas reglas básicas para el trato de los orang asli y sus tierras. Y aunque formalmente revisado en 1974, el Decreto continua prácticamente intacto.

Para ser justos, el Decreto reconoce algunos derechos de los orang asli. Por ejemplo estipula que ningún niño orang asli debe ser excluido de asistir a cualquier escuela, sólo por la razón de ser orang asli. También estipula que ningún niño orang asli que asista a la escuela debe ser obligado a asistir a educación religiosa, sin el consentimiento de sus padres o tutores. Pero éstos son derechos normales que disfrutan todos los habitantes de Malasia. De todas maneras estos son todos los »derechos especiales« que los orang asli disfrutan en el Decreto de los Pueblos Aborígenes.

De hecho por todos los intentos y propósitos, el Decreto de Pueblos Aborígenes trata a los orang asli como si fueran un pueblo que es incapaz de dirigir sus propias vidas y quienes necesitan la »protección« de las autoridades para salvaguardar su desarrollo y bienestar. Efectivamente, el decreto concede al Ministro concerniente o al Director General del Departamento para los Asuntos Orang Asli (JHEOA) la última palabra en todos los asuntos concernientes a la administración de los orang asli. En asuntos relacionados con la tierra, la autoridad estatal tiene la última palabra.

El derecho a la autodeterminación

Los orang asli, como cualquier pueblo indígena procura el derecho a la autodeterminación. En virtud de este derecho, quieren ser capaces de determinar libremente su estatus político y libremente procurar su propio desarrollo económico, social, cultural y espiritual.

La situación de los orang asli en Malasia peninsular está muy lejos de acercarse al logro de la aspiración de autodeterminación. Por ejemplo, la última palabra en cuanto al nombramiento del jefe del poblado, tradicionalmente decidido por los miembros de la comunidad por consenso, depende ahora del Ministro. El Decreto de Pueblos Aborígenes estipula también que el Ministro, además de disfrutar del derecho a remover a cualquier jefe de su puesto, está también autorizado a prescribir las calificaciones, y el método de elección de cualquier jefe.

El jefe no tiene voz sobre quien puede entrar o no, en el poblado. Este derecho depende ahora del Director General de JHEOA,o de cualquier oficial policial. Tie-

nen el derecho de detener a cualquier persona encontrada en lugar habitado por orang asli, cuyas actividades, ellos crean, vayan en detrimento del bienestar de los orang asli, a pesar de que pueda ser que esa persona se encuentre allí, invitada por el jefe de la comunidad. También en otros aspectos de la vida de los orang asli, éstos no tienen ninguna o casi ninguna posibilidad de opinar. La decisión de ser reasentado en una nueva localidad se decide a menudo sin consultar con los orang asli, y mucho menos con su consentimiento. Incluso en los programas de reasentamiento, la elección de las especies comerciales a cultivar o las actividades económicas que deben ser emprendidas, no están en manos de los orang asli. Aparentemente, casi todo, es decidido para los orang asli. El sentimiento general es que, después de 41 años de dirección, primero del Departamento de Asuntos Aborígenes y después por el Departamento de Asuntos Orang Asli, se ha creado una enfermiza situación de paternalismo hacia los orang asli. La JHEOA se consideran a sí mismos como padrinos de estos »pupilos del estado«, cuidando a los orang asli »desde la cuna hasta la tumba«.

Ocasionalmente, sin embargo, los orang asli intentan desprenderse de este sentido de dependencia que les ha sido arraigado. Cuando ésto pasa, en el mejor de los casos son despreciados por las autoridades, y en el peor son víctimas de represalias. Por ejemplo, cuando una joven orang asli empezó una guardería para niños con retraso escolar en su pueblo, la JHEOA reaccionó severamente y presionó -infructuosamente- para que suspendiera las clases. En otro caso, algunos orang asli en Johore, por su propia iniciativa y con sus propios recursos, habían plantado aceite de palma en sus tierras tradicionales. Sin embargo, cuando los árboles estaban apunto de madurar, las autoridades cayeron sobre ellos y cortaron todos los árboles. La razón: La JHEOA había asignado tierra en otro lugar y deberían restablecerse allí. Sus tierras tradicionales habían sido consideradas como tierra estatal.

Derechos Culturales y Religiosos

Los orang asli tienen también el derecho individual y colectivo de conservar y practicar su patrimonio cultural y espiritual. Este derecho está reconocido en nuestra Constitución. Los orang asli, como tal, deberían ser protegidos de cualquier acto que tenga como objetivo o como efecto el despojarlos de su integridad como pueblos especiales. También deben ser protegidos de cualquier acto que restrinja o desplace sus características culturales o identidades. La imposición no deseada de otras culturas o formas de vida es una infracción de este derecho.

De alguna manera la política de la JHEOA de asimilación/integración afecta el derecho de los orang asli a conservar su propia cultura e identidad. Cuando esta política fue presentada en 1961 como política estatal, el objetivo era integrar a los orang asli con el sector *malayo* de la comunidad. Desde entonces ha sido reformulado como la »integración en la amplia sociedad nacional«. Aunque no debía adoptarse ninguna integración forzosa, la misma existencia de esta política, sugiere la intención de negar a los orang asli su cultura e identidad.

La negativa es manifestada claramente por el hecho de que recientes censos de población han empezado a categorizar a los orang asli como malayos. Además en la mayoría de las estadísticas actuales del gobierno, la categoría »orang asli« no está incluida. Cuando tienen que rellenar los impresos oficiales, la mayoría de los orang asli, se encuentran en el dilema de si marcar »malayo« u »otros«.

Algunos orang asli han expresado su descontento con las actividades proselitistas islámicas de la JHEOA. (Mientras que es verdad que otras religiones, especialmente los cristianos, están también haciendo proselitismo activamente entre los orang asli, estos grupos no tienen la maquinaria y la autoridad del estado para respaldar sus esfuerzos. En cualquier caso los orang asli son generalmente capaces de protegerse de estos esfuerzos si ellos así lo deciden).

Por lo tanto, contrario a todas las provisiones del Decreto de Pueblos Aborígenes, ha sido impartida educación religiosa a niños orang asli, sin el consentimiento de sus padres. Hay al menos un caso donde un menor orang asli fue convertido al islamismo sin el consentimiento de los padres. Y en el sur de Perak, aldeanos orang asli han protestado firmemente contra la planeada construcción de un salón comunitario »*surau-cum*« en sus pueblos. Ellos argumentan que no son musulmanes y como tal no tienen necesidad del *surau*.

Y sólo recientemente, el Ministro Adjunto del Departamento del Primer Ministro, anunció que 250 »funcionarios del bienestar social« habían de ser nombrados para mejorar la posición de los orang asli. Sin embargo, por extraño que sea, estos »funcionarios del bienestar social« iban a ser entrenados por la División de Asuntos Religiosos y la JHEOA.

A pesar de todo, aparte de la imposición de la forma de vida dominante, hoy, el mayor peligro para la cultura e identidad orang asli es el deshaucio de sus territorios tradicionales.

Los orang asli tienen una estrecha relación física, cultural y espiritual con la tierra. Para ellos, la tierra es un ser vivo, con espiritualidad y sacralidad propias. Provee garantías para su continua supervivencia. Provee comida, ropa, medicinas, carburante, y todos los materiales necesarios para su existencia. La tierra es también el aula de sus hijos y el lugar de descanso de sus antepasados. Es la tierra, más que cualquier otra cosa, lo que da vida y sentido a toda su existencia; porque es en la tierra donde su historia e identidad está contenida. La tierra es también la que garantiza su viabilidad como pueblo independiente, y les proporciona su desarrollo social y cultural. De esta manera, los orang asli no sólo tienen una dependencia material con la tierra, sino también comparten una relación espiritual con ella. Pese a todo ello, no obstante los orang asli no tienen en absoluto derechos garantizados sobre su tierra en el Decreto de Pueblos Aborígenes.

Los orang asli y los derechos territoriales

Mientras que el Decreto provee el establecimiento de Areas Orang Asli y de Reservas Orang Asli, también otorga a la autoridad estatal el derecho a ordenar a cualquier comunidad orang asli a trasladarse -y mantenerse fuera- del área. En efecto, la mejor seguridad que un orang asli puede obtener del gobierno es la de ser »inquilino a disposición«.

Lo que quiere decir, a un orang asli le está permitido permanecer en un área en particular sólo por la gran caridad de la autoridad estatal. En cualquier momento que el estado quiera las tierras otra vez, puede revocar el estatus de la tierra y los orang asli, prácticamente no tienen otro recurso legal. Para poner las cosas peor, en el caso que tal deshaucio ocurra, el estado no está obligado a pagar ninguna compensación, o asignarles un lugar alternativo. Esto está estipulado en el Decreto de Pueblos Aborígenes.

Para agravar aún más el problema, sólo cerca del 17% de las 667 aldeas orang asli están reconocidas oficialmente como Areas o Reservas Orang Asli. Esto significa que la mayoría de los pueblos orang asli son técnicamente tierra del estado a pesar de que los mismos orang asli no reconocen esta clasificación de sus tierras. Los esfuerzos por el reconocimiento oficial de las tierras que les quedan a los orang asli han sido muy lentos -es lo menos que se puede decir-, desde 1960 – ésto a pesar de sucesivas solicitudes de los

orang asli al Estado, y a pesar de sucesivas repetidas peticiones a la JHEOA de continuar con ello.

Esta inseguridad sobre la tenencia de sus tierras ha dado lugar en muchas comunidades orang asli, a la pérdida de sus tierras debido a proyectos territoriales del gobierno, plantaciones privadas, concesiones mineras, proyectos de represas y autopistas, proyectos de vivienda, zonas de recreo, nuevos municipios, solares para universidades y muchas otras formas de »desarrollo«. En la mayoría de los casos, los orang asli son reasentados en esquemas de reagrupamiento, donde incluso allí, no tienen seguridad permanente de la tenencia. Los orang asli de Temerloh, por ejemplo, están ahora preocupados ya que se está hablando de tener que reasentarlos de nuevo en otro lugar – pero esta vez más lejos en el interior.

Los ejemplos de deshaucio de las tierras de los orang asli son numerosos. Uno es el caso de la comunidad orang asli de la sexta milla de la carretera de las tierras altas de Cameron. Con la ayuda de la JHEOA, plantaron caucho y árboles frutales en sus tierras tradicionales en 1974. En 1979, los pueblos vecinos solicitaron una parte de la tierra de los orang asli, y lo consiguieron. Cuando los orang asli protestaron, el Oficial Asistente del Distrito les dijo que se tenían que trasladar porque el área era ahora »tierra malaya« y ellos estaban allí ilegalmente. Después de numerosos enfrentamientos y negociaciones, les fue ofrecida una compensación sumamente baja, $2 por árbol de caucho, $60 por cada árbol de durain maduro y $20 por cada árbol de petai. Sin embargo todavía hoy, una parte no ha sido pagada. La tenencia de los restantes árboles de caucho y huertos de los orang asli están igual de inseguros debido a que solo un 0,6 hectáreas de la tierra perteneciente a las 400 familias orang asli han sido reconocidas oficialmente.

En otro caso, en Bidor, parte de la tierra de los orang asli ha sido adquirida por una compañía minera. Sin previo aviso y sin consultar una gran parte de la tierra que quedaba fue desmatada por las autoridades para hacer un camino para un proyecto Felcra. Muchos árboles frutales pertenecientes a los orang asli fueron destruidos, a pesar de todas las garantías dadas por la JHEOA de que ésto no pasaría. Los orang asli no han sido indemnizados con ningún tipo de compensación. Todavía peor, les fue solicitado por la JHEOA el trasladarse a otra área lejana en el interior.

Cuando preguntaron por qué se tenían que trasladar, el oficial de la JHEOA dijo que no era recomendable el permanecer en el área »vieja« debido a que la tierra era demasiado pequeña para ellos. Además, añadió que los orang asli podían cosechar en el área, y eso causaría inconvenientes a Felcra, ya que tendrían que usar sus carreteras. De aquí, la ironía de todo ello: alguien te quita la tierra y te deja una pequeña parte – ¡entonces te dice que tienes que trasladarte porque la tierra es demasiado pequeña para ti!.

Por ello no sorprende, que una queja común entre los orang asli en la actualidad es que las autoridades no son sinceras en su frecuentemente repetida solicitud a los orang asli de asentarse permanentemente en un área en vez de trasladarse de un sitio a otro. Según ellos, ésto es un mito, porque los orang asli generalmente han comenzado a vivir en comunidades asentadas, muy al contrario, son las autoridades las que les fuerzan a trasladarse de un sitio a otro.

Además es precisamente porque las tierras de los orang asli no están reconocidas oficialmente o tituladas que numerosos otros problemas aparecen. Compañías madereras consiguen sus concesiones de las autoridades estatales, dejando a los orang asli totalmente ignorantes del acuerdo. Personas no orang asli entran en sus tierras y roban sus frutos de petai y durian, diciendo que los árboles fueron plantados por osos y tigres y que la selva es »tierra de nadie« y por lo tanto »libre para todos«. El departamento forestal habitualmente concede licencias a personas no orang asli estipulando que este tipo de licencias no debe ser concedida a personas que no sean orang asli que residan normalmente en el área.

Así, mientras las autoridades continúen denegando a los orang asli el derecho a sus tierras, mientras las autoridades continúen desplazándolos de sus territorios tradicionales, los orang asli pueden ser víctimas de extinción cultural.

Haciendo enmiendas

Esto no quiere decir que el gobierno no ha hecho nada por los orang asli. Es ampliamente reconocido que ha habido un progreso, especialmente en el campo de la educación, salud, desarrollo agrícola, el cual puede ser atribuido a los esfuerzos de la JHEOA. De cualquier manera, estos son derechos que son dados por hecho en otras comunidades. Además, después de cuatro décadas de directa intervención de las autoridades en los asuntos orang asli, ésto es lo mínimo que se puede esperar como logros.

De más urgente necesidad hoy es la introducción de muevas leyes y/o la enmienda al Decreto de Pueblos Aborígenes, que garan-

Publicaciones recibidas

Las Filipinas

Centro de Recursos de la Cordillera por los Derechos de los Pueblos Indígenas: *Special Report on the Antamok Gold Project (Informe especial sobre el Proyecto Aurífero de Antamok).*

El Proyecto Aurífero de Antamok es un proyecto de minas abiertas en Itogon en la Cordillera, en Filipinas. El proyecto va a conducir a un desplazamiento económico o incluso a un desplazamiento físico de miles de personas – personas que para poder sobrevivir, dependen de un ingreso que deriva de la minería a pequeña escala o de la agricultura.

Los pueblos indígenas en la región se han opuesto a las actividades de minas abiertas de la compañía minera, la Corporación Benguet, ya que continúa destruyendo sus tierras y sus principales fuentes de ingreso. La minería tradicional ha tenido lugar en Itogon incluso antes del período de la colonización española.

(Se puede adquirir el informe en el Centro de Recursos de la Cordillera por los Derechos de los Pueblos Indígenas, Rm. 314 Laperal Bldg., Session Road, Baguio City, 2600 Filipinas).

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tice a los orang asli su derecho a la autodeterminación y su derecho a mantener su identidad cultural y su forma de vida. El propósito de la ley no debe ser eliminar a los orang asli, sino planear medidas políticas, sociales y legales para protegerlos de la desintegración, y por lo tanto, de la destrucción de la sociedad plural de la cual son miembros.

Cuando se considera el bienestar y el desarrollo de minorías indígenas como los orang asli, hay doy convenios internacionales que tratan directamente con los pueblos indígenas: La Convención 169 de la Organización Internacional de Trabajo y la Declaración Universal sobre los Derechos de los Pueblos Indígenas. Hay algunos defectos en estos documentos pero la idea general está en línea con lo que ha sido discutido anteriormente. Lo más importante, sin embargo, es que a las diferentes ideas y demandas expresadas por los líderes orang asli en el pasado se les debe dar plena consideración, y también a sus actuales problemas. Sólo entonces podemos empezar a devolver los derechos que les han sido robados.

Los Orang Asli y la Sociedad: puesta al día en asuntos actuales

Antes inseguros, ahora más

Recientes enmiendas al tratado de adquisición de tierras de 1960 hacen la precaria posición de los *orang asli*, y por lo tanto su tenencia sobre sus tierras tradicionales, todavía más insegura. El Decreto de Pueblos Aborígenes promulgado para velar por la »protección, bienestar y desarrollo« de los orang asli – estipula la creación de áreas y reservas aborígenes, pero al mismo tiempo permite al estado recuperar la posesión de estas tierras, con facilidad y sin ninguna obligación de indemnizar.

Las enmiendas de 1991 al Decreto de Adquisición de Tierras hace incluso todavía más fácil para el gobierno adquirir tierras de los orang asli. En el nuevo decreto, la prueba de utilidad pública o propósito público ha sido quitado. Mientras el nuevo propósito de la tierra adquirida sea en beneficio del desarrollo económico de Malasia o de alguna parte de ella, sea al público en general o a cualquier clase de personas en particular, la tierra puede ser adquirida forzosamente.

Además, muy inteligentemente permite que posteriores disposiciones de la tierra (¿para quizás propósitos personales o no lucrativos?) no invalidarán la adquisición. También, la indemnización pagada está basada en el valor de mercado de la tierra (en el momento de la adquisición) y no en su potencial valor de mercado. Los propietarios originales de la tierra como tal, no se beneficiarán de la valoración de la tierra cuando es reclasificada para uso industrial o comercial.

Uno de los primeros casos donde los orang asli serán víctimas de este tratado, es el plan de adquisición de las tierras orang asli para el segundo aeropuerto internacional de Kuala Lumpur.

¿No está en los planes?

El Segundo Plan de Trazado de Perspectivas (1991 -2000) y el Sexto Plan Malayo (1991-1995) fueron presentados recientemente - »para hacer dar a Malasia un paso más hacia la meta de una nación desarrollada«. En ambos documentos, los orang asli son mencionados en un sólo sitio. Esto es en referencia con el hecho de que aunque todas las comunidades han progresado desde 1970, ciertos grupos como los orang asli (y los grupos indígenas de Sabah y Sarawak) se han quedado atrás. A pesar de este reconocimiento, sin embargo, no parece haber ningún plan específico para revertir la situación de los orang asli. No hay ninguna garantía, por ejemplo, de que las tierras orang asli, - llave determinante en el progreso de los orang asli- sean legalmente reconocidas como suyas para desarrollar y usar. ❑

NEGRITOS		SENDI		PROTO-MALAYOS	
Kensiu	135	Semai	19.744	Temuan	12.361
Kintaq	107	Temiar	12.949	Semelai	3.256
Jahai	869	Jahut	2.819	Jakun	11.163
Lanoh	229	Che Wong	296	Orang Kanaq	37
Medriq	144	Mah Meri	1.778	Orang Kuala	2.398
Bateq	958	Semoq Beri	1.800	Orang Seletar	1.006
	2.442		39.386		30.221

Población orang asli, 1989.

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Sudán:

Destruyendo la Identidad Etnica

La guerra secreta contra los Nuba

En los últimos años, los pueblos de las Montañas de Nuba en el sur de Kordofan han sufrido los efectos combinados de las crueldades de parte del ejército, de las milicias patrocinadas por el gobierno y el Ejército de Liberación del Pueblo de Sudán (SPLA). Estos grupos tienen objetivos y métodos diferentes, pero el efecto combinado ha sido convertir las otrora pacíficas y prósperas Montañas de Nuba en un campo de batalla, dónde los pueblos son destruidos, los habitantes son expulsados de sus tierras, los jefes de las comunidades son despojados del poder o asesinados, y un número creciente de civiles son muertos. Hay indicios que sugieren que los jefes de las comunidades y los nuba con poca educación cultural representan un grupo especialmente expuesto a una campaña de eliminación de parte del gobierno. Mientras que las matanzas a gran escala son poco frecuentes, la constante guerra de agotamiento seguramente va a conducir a la destrucción de la sociedad y cultura de Nuba, así como a la actividad económica y política.

En el momento de escribir esto, no se dispone de noticias de las Montañas de Nuba. Esto es porque toda la zona ha sido aislada a causa de una gran operación militar dirigida por el ejército, aparentemente contra el SPLA. Acciones militares anteriores han resultado en la muerte de un gran número de civiles, y no hay ninguna señal de que el ejército haya cambiado sus métodos. Antes de que la zona de las Montañas de Nuba se cerrara a mediados de octubre, habían informes frecuentes de desapariciones y muertes.

Atrocidades recientes

Africa Watch se ha enterado de detenciones extensas y de presuntas muertes de civiles en la capital provincial, Kadugli, a fines de setiembre y a principios de octubre. Los detalles del incidente siguen siendo poco claros, en parte a causa de un sistemático esfuerzo del gobierno para impedir que las noticias de la zona alcancen al mundo exterior.

Según los informes, las detenciones fueron consecuencia de una acción militar el 25 de setiembre. Una columna de las Fuerzas Populares de Defensa (PDF; paramilitares organizados por el gobierno, ver más abajo) habían abandonado Kadugli, cuando cayó en una emboscada por una unidad del SPLA en al Sha'ir, a unas diez millas de la ciudad. Varios miembros del PDF fueron asesinados, incluyendo al comandante y dos oficiales. Se informó que ocho miembros del SPLA murieron. A consecuencia del ataque, aproximadamente unos cien civiles fueron detenidos en Kadugli por el servicio de inteligencia del ejército y el PDF, bajo sospecha de ser miembros de una »quinta columna« del SPLA. Uno de esos detenidos fue Mirghani Kafi, un enfermero mayor. Anteriores detenidos en poder del PDF y el servicio de inteligencia militar han sido sometidos a torturas o ejecución, muchas veces han »desaparecido« simplemente. Africa Watch teme que un gran número de estos detenidos hayan sido sometidos a torturas o muertos.

Esto solamente es la más reciente de una serie de desapariciones. En agosto, una serie previa de desapariciones culminó cuando se informó que como mínimo, 44 hombres *nuba* habían sido detenidos por el servicio de inteligencia del ejército en la ciudad de Kadugli y llevados a Dilling. Todos tenían buena educación, incluyendo a diez maestros y fueron detenidos bajo sospecha de ser partidarios del SPLA. Se informa que fueron sometidos a torturas. Se sabe que siete personas han sobrevivido, pero los otros 37 »desaparecieron«. Presentamos una lista de nombres en el final de este boletín.

Los habitantes de Kadugli exigieron conocer el paradero de las 37 personas desaparecidas, y el entonces gobernador, Abdel Rahman, solicitó al Brig. Ibrahim Nayal Idam, un oficial militar *nuba* al servicio del gobierno, dar cuentas de ésto. No lo ha hecho. (1)

En adición, existen informes fidedignos sobre decenas de personas que fueron lleva-

das en camión de las aldeas incluyendo al Shatt, Katcha y Kurungu. En otro incidente, una fiesta de bodas fue interceptada cerca del pueblo de Kadugli, siendo muertos los hombres y raptadas las mujeres.

Esos abusos están ocurriendo en el contexto de una carencia casi total de garantías judiciales, administrativas o políticas de los derechos del pueblo *nuba*. Al igual que otros ciudadanos sudaneses, están gobernados por un gobierno militar que ha impuesto un estado de emergencia a nivel nacional y ha investido al ejército y a las fuerzas de seguridad con una extensa gama de poderes arbitrarios, y que regularmente viola los derechos humanos básicos. No existe un poder judicial independiente, ningún derecho a protestar, y ningún tipo de representación electoral en el gobierno. Los *nuba* están en una situación particularmente desventajosa porque los últimos años han testimoniado una campaña sistemática con el propósito de eliminar a los *nuba* étnicos de los puestos judiciales, administrativos y de seguridad en las Montañas de Nuba y en otros lugares. Por consiguiente, todos los puestos importantes de autoridad en las Montañas de Nuba están ocupados por personas que no son *nuba*, incluso muchos representantes de los grupos árabes de Sudán que regularmente se encuentran en conflicto con los *nuba*. Por eso, los abusos contra aldeanos *nuba* se cometen con total impunidad. Hay evidencia de que ésto es parte de una campaña más amplia que tiene como propósito privar a los *nuba* de su liderazgo, apartando a las personas con educación y negando a la nueva generación *nuba* las oportunidades educacionales.

Antecedentes de los nuba

Los *nuba* alcanzan aproximadamente a un millón. Sus territorios tradicionales están en el sur de Kordofan, que es parte del norte de Sudán y casi el exacto centro geográfico del país. A pesar de esta posición central, representan un grupo marginal.

»Los *nuba*« es un término que incluye lo que el antropólogo Siegfried Nadel ha descrito como una »complejidad desconcertante« de grupos étnicos. (2) El fallecido Roland Stevenson, un lingüista especialista en los *nuba* muy destacado, identificó más de cincuenta idiomas y grupos de dialectos, divisibles en diez grupos. (3)

Las culturas tradicionales de los *nuba* abarcan religiones indígenas, muchas de las cuales sólo sobreviven hoy como vestigios. Esas culturas tradicionales implicaban una variedad de tipos de organización social. Aspectos bien conocidos de las culturas incluían música, baile, pintura del cuerpo y luchas rituales. Las misiones cristianas lograron convertir un pequeño pero influyente número de *nuba*; una cantidad mayor se convirtió al Islam.

Después de la ocupación británica en 1900, los *nuba* intentaron resistencia, la cual resultó ser inútil. Permanecieron en una situación periférica a las tendencias políticas principales de Sudán, sin apoyar a ninguno de los partidos principales del norte dominados por los árabes, y sin pertenecer al sur, intermitentemente separatista. En los años 60, la Federación de las Montañas de Nuba dirigida por el Padre Philip Ghabbush, fue brevemente exitosa al ganar escaños en la Asamblea Constituyente en base a un programa electoral regionalista.

Los *nuba* son primordialmente agricultores, aunque también poseen ganado. Las montañas son fértiles, y la zona fue poco perjudicada por la sequía y hambruna del 1983-5. Desde los años 50, un número creciente de hombres *nuba* se han convertido en trabajadores migratorios en Khartoum y en los proyectos agrícolas de Sudán oriental y central, conduciendo a procesos parciales de integración cultural y económica dentro de la identidad dominante árabe sudanesa.

Sin embargo, la identidad *nuba* está definida parcialmente en oposición al otro grupo importante de habitantes del sur de Kordofan, los árabes sudaneses. Esos grupos, tradicionalmente son pastores de ganado, conocidos como *baggara*. Mientras que las partes occidentales de la provincia están únicamente pobladas por los *baggara*, también se han trasladado y establecido entre los propios *nuba*. Los *baggara* han sido más estrechamente relacionados con el centro del poder político en Sudán; apoyaron con gran entusiasmo al Madhi del siglo 19, y durante este siglo han permanecido siendo una parte influyente del Partido neo-Mahdista Umma, del cual el ex primer ministro Sadiq el Mahdi fue líder. Su combinación de identidad árabe, fe musulmana ardiente, habilidad militar, y posición estratégica a lo largo de frontera interna norte-sur en Sudán también los ha convertido en estimados aliados de los Hermanos Musulmanes fundamentalistas, que ahora detentan el poder en el presente gobierno militar.

El conflicto *nuba-baggara* ha sido un asunto característico del sur de Kordofan durante generaciones, incluyendo competencias sobre pasturas, pozos de agua, mercados y puestos en la administración local. Tradicionalmente, la magnitud de este conflicto ha sido limitada a causa del bajo nivel de tecnología militar, que era igualmente accesible a las dos partes, y por la interdependencia económica de las dos comunidades. Los *baggara* necesitaban comprar grano de las aldeas *nuba* mientras éstos dependían de los productos de ganadería y comercio suministrado por los árabes. También había, en forma limitada, matrimonios contraídos entre personas de los dos grupos.

Durante los años 70, la atmósfera política en Sudán fue favorable para los *nuba*. El acuerdo de Addis Ababa de 1972 que puso fin a la primera guerra civil y eliminó una importante fuente de tensión en las Montañas de Nuba, y la promesa prematura del Presidente Nimeri de desarrollo secular, multicultural y económico en Sudán tenía atractivo para el pueblo *nuba*. Fue un decenio de esperanzas, en el cual se proveyeron servicios sociales y se iniciaron proyectos de desarrollo. En 1978, la capital provincial, Kadugli, fue elegida para las celebraciones del Día de Independencia Nacional. El título de un estudio antropológico, realizado durante este período, *Integración Nacional e Integridad Local* (4), refleja la anticipación optimista de que el futuro de Sudán experimentaría una fructífera combinación de desarrollo socioeconómico y conservación de los modos tradicionales de vida.

El principio de la guerra

Esas esperanzas se convirtieron en tragedia: guerra, desplazamientos masivos y hambruna. Los gérmenes de este desastre fueron sembrados al principio de los años 80, con la crisis económica y confrontación política. El Presidente Nimeiri se volcó de modo creciente a la política islámica, polarizando el país entre los que le había apoyado inicialmente, particularmente al sur y los militantes islámicos. El SPLA fue formado en el sur en 1983, pero con un programa que tenía la intención de mantener un Sudán unido pero transformado. Desde el principio el SPLA intentó obtener el apoyo de radicales y grupos marginales en el norte, y empezó a reclutar en las Montañas de Nuba.

El SPLA realizó su primera incursión a las Montañas de Nuba en 1985. Una unidad de SPLA atacó la aldea *baggara* llamada Gardud en la parte oriental de las Montañas de Nuba, y según se informa mataron a más de 100 árabes armados y desarmados. Este ataque rápidamente se hizo notorio y tema de intensos rumores y conjeturas. Los detalles reales quedan oscuros, pero como reacción a ésto, el gobierno (que entonces era el Consejo Militar Transitorio dirigido por Gen Suwar al Dahab) empezó a armar las tribus de modo sistemático. En las montañas de Nuba, los *misiriya zurug* y los *hawasma* fueron los más beneficiados por esta política. A los *nuba* no les dieron armas. Esto fue un paso importante en la creación de las milicias *baggara*, generalmente conocido como *murahaliin*. Se suponía que los *murahaliin* primariamante serían una fuerza pro gubernamental en contra del SPLA en el sur y sus simpatizantes, fundamentalmente *dinka*, pero también tenía el objetivo de cuidar a la población *nuba*, cuya lealtad se consideraba sospechosa. Los líderes comunitarios *nuba* se oponían firmemente a armar a los *baggara*, insistiendo en que los problemas de la seguridad de la zona se podrían resolver mediante una creciente presencia policial. Un gran nú-

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mero de líderes comunitarios también expresó su oposición al SPLA, y anticipó que esto sólo implicaría problemas en la región.

Inmediatamente, la milicia recién armada empezó realizar ataques en pequeña escala a las comunidades *nuba*. Desde fines de 1985 existen informes sobre ataques al ganado y algunos incidentes de matanzas de agricultores *nuba*. La fuerza de la policía local, inferior en número a los *murahaliin*, no quiso intervenir. En las elecciones de abril de 1986, hubo una substancial votación *nuba* por el Partido Nacional de Sudán, dirigido por el veterano Rev. Philip Ghabbush, que ha subrayado el alejamiento político entre los *nuba* y los partidos sectarios dominantes. Después, el gobierno empezó a -al principio lentamente- a transferir magistrados, policía y administradores *nuba* fuera de las Montañas de Nuba. La mayor parte de los puestos judiciales, administrativos y de seguridad fueron ocupados por personas no *nuba*, en su mayor parte árabes. En 1990, se informa que, el servicio de inteligencia militar, el elemento más activo de las fuerzas de seguridad, empleaba exclusivamente personal *baggara* y otros árabes.

Hubo un escalamiento marcado de la guerra en julio de 1987, cuando una unidad de SPLA infiltró las Montañas de Nuba. Esta unidad, conocida como el Batallón de New Kush y dirigida por un comandante *nuba* llamado Yousif Kowa Mekke, tenía una mayoría de miembros *nuba*. Tenía la intención de establecerse en la parte oriental de las Montañas Nuba y empezar la guerra de guerrillas en Kordofan. Rápidamente, la unidad de SPLA ocupó la zona alrededor de Talodi, y empezó a alistar reclutas entre la juventud *nuba*, a veces por la fuerza, y se calcula que a fines de 1988 alcanzaba un número de 3.000 hombres. Y también sistemáticamente asesinaron y raptaron a líderes de las comunidades y a funcionarios del gobierno que se negaban a colaborar. El jefe Hussein Karbus y el jefe Ismail Ali Jiger del sur de Delami estaban entre las personas que mataron y *Mek* Hamid Nira e *Imam* Ali Abdalla de Abri estaban entre las personas que fueron secuestradas. También emboscaron y mataron a algunos comerciantes. Miles de agricultores se refugiaron en las ciudades – se calcula que había un número de 52.000 personas desplazadas en marzo de 1988. La población local pidió ayuda a la policía, pero sin una importante intervención gubernamental o militar, no se podía hacer gran cosa.

La respuesta del gobierno fue continuar armando las milicias *baggara*, que así pudieron intensificar su invasión impunemente. Durante 1988, la rama *misiriya* de los *murahaliin* fue reorganizada en una fuerza paramilitar, conocida como la Fuerza Popular de Defensa. Esto ocurrió bajo las instrucciones directas del gobernante Partido Umma sin autorización de la Asamblea Constituyente que consideraban que la creación de fuerzas de este tipo era algo muy controversial. Se procuró ayuda económica, armas e instrucción a la milicia de parte de la administración y seguridad provincial. En febrero de 1988, la Unión General del pueblo Nuba acusó a la milicia de haber matado a 13 civiles y por contestar negativamente a las peticiones de indemnización. En julio de 1988, fueron muertas 88 personas y se dio como desaparecidas a 13 personas después de otro ataque miliciano a la aldea de Om Dorein.

El ejército y el servicio militar de inteligencia comenzó a arrestar y ejecutar a individuos *nuba* sospechosos de simpatizar con el SPLA. En julio de 1987, Mohamed Toto Kowa, el jefe de la aldea de Lagori, fue arrestado y más tarde ejecutado. Dos jóvenes de la aldea de Abu Hassim fueron arrestados y ejecutados por el ejército en el mes de agosto. Se sabe que 20 civiles, como mínimo, fueron matados por el ejército en noviembre de 1987, y muchos más fueron detenidos sin acusación. Otras personas fueron asesinadas en 1988, incluso dos hombres mantenidos cautivos por los soldados y como consecuencia de un ataque a la aldea de Tumbala, en las zonas montañosas de Otoro.

En 1988, algunos de esos detenidos eran miembros de una organización *nuba* semi clandestina conocida bajo el nombre de »Nosotros, Kadugli.« 39 supuestos miembros de este grupo, incluso Haroun Kafi, un miembro del Parlamento fueron arrestados en julio de 1988. Una persona detenida, Ramadan Ajabna, murió en la detención, probablemente a causa de deshidratación, aunque ningún médico tuvo el permiso de hacer una autopsia. El gobernador de Kordofan de aquel tiempo Abdel Rasoul el Nur, declaró que el propósito de las organizaciones consistía en alistar reclutas para el SPLA. Algunos de los detenidos fueron excarcelados después de tres semanas y aproximadamente 30 personas fueron detenidas hasta el golpe de estado de junio de 1989. Otros blancos fueron miembros de las iglesias cristianas. En mayo de 1988, seis cristianos fueron detenidos por haber abierto una iglesia en Tuleishi sin haber obtenido un permiso oficial. (5)

En algunos casos, agentes de policía y abogados *nuba* comenzaron a interrogar, y lanzaron una investigación sobre las matanzas. Sin embargo, ninguna de esas investigaciones dieron resultados positivos, y en un caso, como mínimo, se le impidió a un magistrado conseguir pruebas de la ejecución de ocho civiles cerca de al Gohan en diciembre de 1987. (6)

Las matanzas de 1989

1989 fue el año más cruento hasta hoy en las Montañas de Nuba. Tanto antes como después del golpe de estado de 30 de junio, las milicias, el ejército y SPLA cometieron matanzas y hubo un quiebre político.

En enero, el SPLA empezó a avanzar hacia la ciudad de Kadugli, arrasando los puestos policiales. La milicia y el ejército sufrieron una derrota importante en Korongo Abdalla, fue la primera vez que el SPLA ha sido activo tan cerca de la capital provincial. Como represalia, la milicia mató a algunos civiles residentes en la aldea en abril. En este mismo mes, unidades del SPLA infiltraron Tuleishi, a pesar del alto el fuego declarado oficialmente, en su primera invasión importante en las zonas montañosas occidentales. El SPLA, mató regularmente a civiles, durante todo el año. Por ejemplo, en un ataque en la región de Melaha el 13 de noviembre, seis civiles fueron muertos y tres heridos.

Mientras tanto, los restos de la milicia anti-SPLA con base en el sur, Anyanya 2, fueron transferidos a Kadugli, donde en poco tiempo adquirieron la reputación de ser crueles en el control del poblado. En abril, más de 200 *nuba*, incluso muchos miembros del Partido Nacional de Sudán fueron detenidos, y muchos de ellos ejecutados sumariamente.

Los ataques de parte de los *murahaliin* aumentaron en frecuencia y salvajismo. En abril y en mayo se registraron matanzas documentadas, generalmente en el contexto de abigeato. Los pastores árabes también se fueron haciendo más agresivos en su busca de pasturas, abandonando muchas de las reglas que antes habían caracterizado su comportamiento. Por ejemplo, hay informes de incidentes en los cuales los pastores dejan que su ganado coma los cultivos de los agricultores *nuba*, e incluso han abierto sacos de grano, para que sus animales comieran. Los aldeanos *nuba* denunciaron a algunos de los ladrones más conocidos a la policía, quien repetidamente no quiso tomar medidas. Después de que habían robado aproximadamente 100 vacas en una incursión en la aldea de Serif en junio, algunos incursores fueron arrestados, pero al cabo de poco tiempo fueron excarcelados después de la intervención de líderes de la milicia.

La primera cosa que hizo el Consejo del Comando Revolucionario (CCR) de Gen Omer al Bashir fue alentar a los *nuba*. Particularmente, la excarcelación de los deteni-

dos en Kadugli, la promesa de desarmar las milicias tribales, y el nombramiento de un *nuba*, Brig. Ibrahim Nayal Idam, como consejero de Seguridad del CCR, fueron noticias gratas. Sin embargo, el cambio de gobierno, se convirtió pronto en un asunto poco grato. A pesar del alto el fuego que se había convenido entre el gobierno y el SPLA, se continuó la lucha en las Montañas de Nuba. El SPLA siguió a atacando pequeños puestos policiales y del ejército, y hacia fines de julio el ejército empezó a hacer uso de armas pesadas para bombardear las posiciones del SPLA. En octubre, hubo una reunión a alto nivel entre miembros del CCR y jefes de la milicia de Kordofan, que resultó en la promulgación del Acta de Defensa Popular, que en realidad legitimizó a los *murahaliin*. (7). Poco tiempo después, Brig. Ibrahim Nayal fue degradado a la cartera de juventud y deporte, aunque se ha quedado en el gobierno y ha intervenido en varias ocasiones para proteger los intereses de los *nuba*.

Durante el período parlamentario, la Asociación de Abogados de Sudán y los periódicos *The Sudan Times* y *al Medan* hicieron campañas en favor de los derechos de los *nuba*. Como consecuencia del golpe, la Asociación de Abogados fue disuelta y cerraron los periódicos.

A continuación de la promulgación del Decreto de Defensa Popular, hubo un torrente de incursiones de la milicia, a veces en unión con el ejército regular. Las aldeas de Kadro y Koholyate quedaron destruidas a causa de un incendio por la fuerzas conjuntas del ejército y de Anyanya 2, y una mujer fue muerta. En Kortalla, la milicia árabe mató a nueve peones agrícolas del sur.

Uno de los peores incidentes tuvo lugar en el Lagawa, que se encuentra en la extremidad occidental de las Montañas Nuba, al final de octubre de 1989. Un gran grupo de la milicia *misiriya zurug* hostilizaban a los aldeanos locales *nuba* y *daju* (8), so pretexto de que el SPLA estaba en la zona. Investigaciones realizadas por una unidad del ejército, no encontró ningún indicio de la presencia del SPLA. Sin embargo, habían habido luchas intermitentes entre los árabes y los *nuba* desde el mes de agosto en las zonas cercanas, en parte provocadas por la infiltración del SPLA en Tuleishi. El mayor Mohamed Ibrahim Kabbashi, que tiene la comandancia de la unidad, decidió convocar una conferencia local de paz para solucionar la disputa local que era indudablemente la causa principal del conflicto. El 27 de octubre, el último día de la conferencia de paz, cuando la unidad militar se estaba retirando, la milicia atacó el pueblo de Kamda Nuba, matando a siete aldeanos. La unidad militar intentó intervenir, pero solamente consiguiendo desviar la atención de la milicia hacia el Lagawa y los pueblos vecinos. Durante los 10 días siguientes, 20 pueblos fueron quemados y saqueados, incluyendo a Tima, Tamour, el Balool, Saada, al Troroug y al Daju. En total, mataron a 98 aldeanos y 21 fueron heridos. 3.000 personas quedaron sin casa. El 6 de noviembre, las fuerzas de la milicia utilizaron morteros para atacar el pueblo de Nimr Shago. La destrucción se detuvo recién en el momento que el comandante Kabbashi -bastante excepcionalmente- ordenó a sus soldados abrir fuego sobre los *murahaliin*.

El 10 de noviembre de 1989, la milicia mató a 14 civiles en al Darangas y las aldeas de al Harazia. El 12 de noviembre, la milicia *hawazma* mató a 14 personas más, en los pueblos Sabori y Lagori. Otras matanzas tuvieron lugar en ed Doud (5 muertos), Walid Dajor (2 chicas muertas), el Rousaris (4 muertos), Tedo (16 muertos), Kawalib, Kalogi, Walli, Shatt el Safya, Korongo, Shatt el Damam, Miri, Om Dorein, Lima e Hiban. Existen informes fidedignos que nos comunican que varias personas han sido mutiladas, antes o después de matarlos, una práctica excepcional en Sudán. Miles de aldeanos se han refugiado en Kadugli, donde habían aproximadamente 60.000 personas desplazadas a principios de 1990. Había una convicción general en las Montañas de Nuba de que los *murahaliin* tenían la intención de quemar aldeas *nuba* y expulsar a la gente de manera que ellos mismos pudieran colonizar la zona.

Hasta en Kadugli, continuaron las matanzas. Se informa que la milicia ha atado a siete *nuba* en los suburbios orientales de la ciudad y después los han matado.

Generalmente, el ejército colaboró con la milicia en la campaña contra los *nuba*. Las zonas donde se sospechaban que hubiera actividades del SPLA fueron cerradas, y se detenía a la gente que viajaba en esta zona. Varios comerciantes han desaparecido después de haber estado detenidos, por sospecha de haber suministrado mercancías al SPLA. Como resultado de las hostilidades de comerciantes, y la intencionada reducción de las raciones oficiales, los artículos de consumo básicos fueron más y más escasos en muchas zonas *nuba*. Mercancías como té y azúcar eran inasequibles en las tiendas, las medicinas eran inasequibles en las clínicas, y las escuelas fueron cerradas.

Eliminación mediante agotamiento.

El modelo de violencia se ha establecido muy bien. Durante 1990 y 1991, una serie característica de abusos han sido cometidos por los dos lados. Típicamente, el SPLA ha hecho incursiones en los pueblos para conseguir víveres, raptado o conscripto a los jóvenes al servicio militar obligatorio, han matado a civiles si les sospechaban de no ser simpatizantes, y cometieron violencia indiscriminada contra los civiles durante sus incursiones y acciones militares. Los *murahaliin* han continuado sus incursiones, particularmente en los pueblos periféricos. Hay indicios de que algunos miembros codician las Montañas de Nuba e intentan hacer todo lo posible para desplazar a la mayor parte o todo el pueblo indígena, para que los *baggara* puedan colonizar el lugar.

Desde 1989, el principal escalamiento de abusos ha sido relacionado con un aumento de la actividad del ejército y el servicio de la inteligencia del mismo. Como hemos descrito al principio de este boletín, a mediados de 1991, hubo un aumento enorme de violencia contra los civiles *nuba* de parte del ejército y el servicio de inteligencia del ejército. Parece ser que los blancos principales han sido jóvenes *nuba* con buena educación. Algunos *nuba* creen que el ejército ha redactado listas de todas las personas con buen nivel educativo, con el propósito de matarlos.

A principios del 1990, en Teimin el Saraf al Akhdar y Kallandi, el ejército y PDF han detenido a 18 hombres *nuba*, como mínimo, y matado al menos a seis personas. Las personas que han matado son:

- al Sheikh Sayed Sharra
- al Sheik Jibril Tabalo
- Soubahi Malkal

Nos han comunicado que en abril de 1991, el PDF ha detenido a dos hombres, Jibril Salah y Jibril Sendica, los han encarcelado sin comida suficiente, los han golpeado gravemente y al final los han matado.

En setiembre de 1990, el servicio de inteligencia del ejército empezó a detener a los hombres *nuba* educados. Esta represión se intensificó a principios de 1991, y muchos de los detenidos han »desaparecido«. La siguiente es una lista parcial de los desaparecidos:

1. Abdalla Alla el Jabou, un maestro;
2. Abdalla Gado Mado;
3. Abdalla Kafi;
4. Abdalla Khalil Hamid, un miembro del consejo municipal de Kadugli;
5. Abdel Rahim Jadalla;
6. Abu Zeid Shalal Kow;
7. Ahmed Badawi, empleado público;

8. Ahmed Suleiman, empleado en la Corporación Agrícola de las Montañas Nuba;
9. Ahmed Yousif Mohamed Kowa;
10. al Niel al Karama, agente de transportes;
11. Ballal Hamad Toutou, maestro;
12. Bereir Khalifa Bakheit, maestro;
13. Hamdan Hassan Koury, de Lagori, abogado
14. Hassan Koury Bagari, un funcionario de la cárcel (padre del susodicho);
15. Ibrahim Gadir Bek, un funcionario del hospital;
16. Ibrahim Marmatoum, un empleado de la Corporación de Aguas;
17. Ibrahim Tiaa Ali;
18. Ismat Hassan Khair al Sid, de Miri, un profesor en la Escuela Secundaria en Kadugli;
19. Issa Kannadow;
20. Kamal Kano Kafi Haloof, un técnico de radio;
21. Mohamed Abdalla Gornas, un empleado del departamento de investigaciones agrícolas;
22. Mohamed Mekki Kuku, empleado público en Kadugli;
23. Mohamed Nawar Aso, un dentista;
24. Mohamed Suleiman »Lagawa«;
25. Mohamed Yahya Ismail, un maestro de escuela interino;
26. Moheieldin Tiaa Abdel Gadir, chófer;
27. Mouzamel Dabyo Zaid, un obrero textil;
28. Musa Ismail Abdel Gadir;
29. el Nur Ismail, un maestro;
30. Osman Adam Ali, un agricultor;
31. Rajab Adam Mohamed;
32. Ramadan Adam, un maestro;
33. Saboun, un maestro en la Escuela Secundaria en Kadugli;
34. el Sayed Ismail Kano, un maestro;
35. al Sir Abdel Nabi Malik, un empleado del Departamento de Estudios del Suelo;
36. al Tijana Mohamed Shukralla;
37. Yousif Galdagoun, de Dilling, un maestro en la Escuela Secundaria en Kadugli;
38. Yousif Kamdo;
39. Zakaria Mohamed, un comerciante;

La discriminación institucional contra los *nuba* ha continuado, así como la discriminación de facto a causa de la negativa tendencia de los servicios e infraestructura económica de la zona. Ahora es más difícil que nunca para los *nuba* conseguir los suministros basales, incluso medicinas, y la mayoría de las escuelas están cerradas. El hospital más grande en Kadugli se usa principalmente para las bajas de la guerra.

Durante los años 1990 y 1991, los habitantes de las Montañas Nuba han sufrido hambruna, a causa de sequía, la destrucción de los pueblos, las incursiones contra el ganado, y la desorganización de la industria alimenticia y de la comercialización causada por la guerra. Sin embargo, el gobierno no trata el problema de la distribución de comestibles con seriedad en cuanto a las Montañas Nuba. Hasta hoy día, la ayuda alimenticia no ha sido suficiente, y muchos de los Nuba han tenido que sobrevivir de alimentos silvestres y de los residuos del procesamiento de cacahuates para extraer aceite, llamados *umbaz* (que recientemente ha ganado el apodo local de »las galletas de Saddam«).

Como consecuencia de la tentativa del golpe de estado en el SPLA por los comandantes Riak Mashar y Lam Akol, que lograron hacer que el Movimiento se escindiera entre sus propios partidarios y los partidarios del líder anterior, Col. John Garang, también hubieron disensiones en las filas del SPLA en las Montañas Nuba. Según el grupo de Riak-Lam, el diputado de Yusuf Kowa, Awad Abdel Karim Kuku, depuso a Kowa y declaró su apoyo para derrocar a Garang. Esta exigencia fue controvertida por el grupo de Garang, el cual dijo que los dos hombres habían sido leales. Sea cual sea la verdad, la escisión en el SPLA deja a las fuerzas de New Kush, en las Montañas Nuba, en una posición muy vulnerable. Su ruta de suministro es a través del Alto Nilo, el cual está controlado por el grupo de Riak-Lam. Sin embargo, ese grupo prefiere la secesión al sur, lo cual tendría como resultado que las Montañas Nuba pertenecerán al norte de Sudán. Por ese motivo, es poco probable que los partidarios *nuba* del SPLA, prefirieran una secesión.

El futuro

El futuro de los *nuba* parece ser poco prometedor. Los *nuba* han sido las víctimas por estar en la primera línea de la guerra civil de Sudán durante más de cuatro años, y enfrentan la perspectiva de perder por todas partes.

Sí se separara el sur, o si abandonaran las Montañas Nuba implícitamente, el destino de los *nuba* estaría a la merced del gobierno de Khartoum. El gobierno actual de Khartoum se ha comprometido a construir un estado islámico, consolidar la identidad árabe, y no tolera ninguna desviación de su programa político, cultural o religioso. Esto no deja lugar a las culturas heterogéneas de los *nuba*, particularmente las minorías *nuba* que practican el cristianismo o religiones tradicionales. Como anomalía social y cultural, especialmente relacionada a una rebelión armada, los *nuba* son candidatos a una intervención brutal. Desde un punto de vista militar, cualquiera de las fuerzas rebeldes en la zona, se encontraría en una posición desesperada.

Hay pocas posibilidades de que los *nuba* sean eliminados físicamente. Lo más probable, si se sigue aplicando la política actual, es una mayor marginalización. Muchos *nuba* pueden terminar trabajando como obreros agrarios o migratorios en barrios marginales semiurbanos. Las culturas *nuba* que antes eran ricas y variadas pueden ser erradicadas y sustituidas no por una cultura »moderna« de un pueblo educado integrado en una sociedad y economía nacional de Sudán, sino por una subclase de pueblo desplazado, expulsados de sus casas, privados de su modo de vida tradicional, y privados de educación o mejora a menos que adopten la lengua, los rasgos culturales, y las normas políticas y religiosas de un grupo dominante que nunca les aceptará completamente como iguales.

Notas:

1) Abdel Wahab Abdel Rahman ha sido después promovido al puesto de Ministro de Servicios en el Gobierno Estatal de Kordofan (antes Regional).
2) S.F. Nadel, *The Nuba*, Londres, 1947, p.2.
3) R.C. Stevenson, *The Nuba People of Kordofan Province*, Khartoum, 1984.
4) Gerd Bauman, *National and Local Integrity: The Miri of the Nuba Mountains of Sudan*, Oxford, 1987.
5) Obtener tal licencia lleva mucho tiempo y es caro, y normalmente se rechazan las solicitudes. No se necesita ningún permiso oficial para abrir una mezquita.
6) Amnesty International, *Sudán: Abusos de los Derechos Humanos en el Contexto de Guerra Civil*, diciembre 1989.
7) Sin embargo, documentos que Africa Watch ha obtenido, indican que una oficina con el nombre de »Headquarters, Popular Defence Force« ya existía en Kadugli antes de la promulgación del Acta de Defensa Popular, y que el Servicio de Inteligencia del Ejército también utilizaba la oficina.
8) El pueblo *daju* es un pequeño grupo étnico, no árabe, que se encuentra en el sur de Kordofan y Darfur.

Fuentes: Noticias de Africa Watch, 10 de diciembre, 1991. ❑

Primera Conferencia Maasai sobre Cultura y Desarrollo

Por: Saruni Oitesoi ole-Ngulay

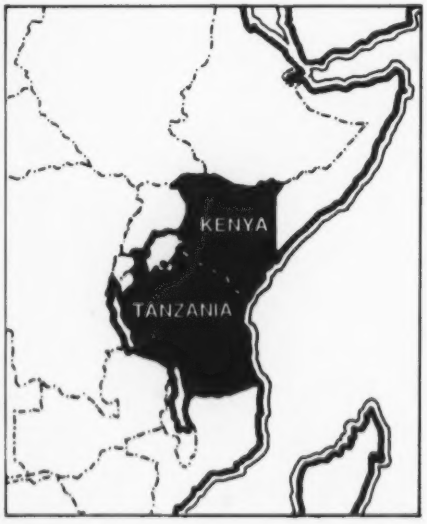
1.1. El marco de la comunidad Maasai de Tanzania

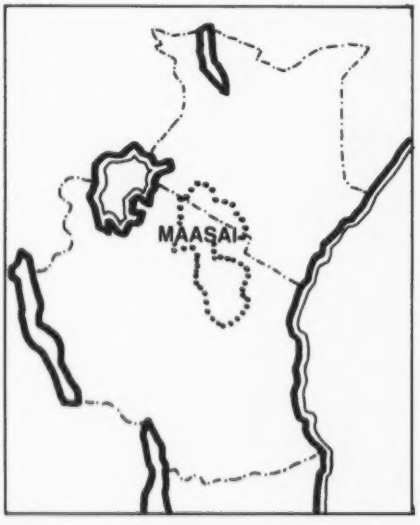
1.1.2 La comunidad *maa* (que incluye a los *illmaasai, ilparakuyo* e *illarusa*) de Tanzania celebró su Primera Conferencia Maasai sobre Cultura y desarrollo, del 2 al 5 de diciembre de 1991, en el Hotel New Arusha, Tanzania. La conferencia fue precedida por una Exposición Cultural de las Mujeres el 1.12.91.

1.1.3 Esta Comunidad, con la excepción del grupo *illarusa* constituye el grupo marginalizado mayor del país. Su mantenimiento del orgullo cultural a sacrificio del desarrollo, entre otras cosas, parece ser una de las razones que contribuyen a esta marginalización.

1.1.4 La Conferencia, cuyo tema era »Modernidad y Tradición: ¿Conflictos o Armonía?« atrajo a más de 180 delegados de dentro y fuera del país. En ellos se incluían participantes de recursos culturales (líderes tradicionales), participantes del diálogo (maasai educados), funcionarios gubernamentales y partidarios, líderes de la Iglesia, funcionarios desarrollistas y otros científicos sociales.

Fue financiada por el Instituto de Estudios sobre el Desarrollo, la Universidad de Helsinki, Finlandia, y el Departamento Danés de Cooperación Internacional para el Desarrollo (DANIDA) y el Departamento Sueco de Cooperación Internacional para el Desarrollo (SIDA). El Embajador en Tanzania de éste último, Sr. Anders Oljelund, participó en la última parte de la Conferencia.





1.2 Propósitos y Objetivos de la Conferencia

1.2.1 La Conferencia tenía como propósito examinar el dilema cultural del pueblo *maa* presentado por las fuerzas de la modernidad en oposición a la tradición, y brindar la guía correspondiente para los días venideros. Quería examinar nuestro pasado, el cual nos da importantes lecciones sobre cómo mirar al presente, y cómo ver las posibilidades de nuestro mañana.

1.2.2 Los propósitos y objetivos de la Conferencia, por lo tanto, eran:

(1) estimular, educar y esclarecer a la Comunidad, para comprender sus dificultades presentes a través de un intercambio de puntos de vistas, ideas y experiencias y

(2) señalar, examinar y analizar críticamente los factores o fuerzas contribuyentes a estas dificultades, y formular medidas correctivas.

Maasai en el suroeste de Tanzania, llanuras de Usangu. Foto: Jens Dahl.

2.1 Tres Areas de Problemas

En la búsqueda de estos objetivos, la Conferencia fue capaz de identificar tres áreas de problemas:

(1) **La enajenación de la tierra** con relación a todas las tierras de pastoreo en diferentes grados. Este desarrollo ha cambiado el habitat natural de la Comunidad, llevándolos al total empobrecimiento.

(2) **Cultura y Desarrollo**. En esta área se notó que en muchos casos involucrando costumbres, tradiciones y creencias, la cultura no está en armonía con algunas de las fuerzas de la modernidad; lo cual a su vez crea confusas direcciones y dimensiones culturales.

(3) **Analfabetismo.** Hay un alto índice de analfabetismo en la Comunidad, que casi priva completamente a la Comunidad de lazos de comunicación con el mundo exterior.

2.2 Muchas resoluciones se centraron en estas tres áreas de importancia. Se anotó, y acordó expresamente por todos los participantes, que a menos que se haga algo ahora para detener un mayor avance de estos problemas, el futuro del pueblo *maa* es poco prometedor y deshonroso.

3.1 Resoluciones

Una de las muchas resoluciones aprobadas por la Conferencia fue el establecimiento de un Organismo Universal Maa para establecer sus necesidades y prioridades desarrollistas.

4.1 INYUAT E-MAA

Esto quiere decir en maasai, »Esfuerzos Maa para el Desarrollo«, y es el nombre del organismo formado. En inglés, este organismo será simplemente conocido como »Maa Development Organisation« - MDO (Organización Maa para el Desarrollo).

4.2 Inyuat e-Maa se propone estimular y facilitar la participación popular del pueblo en su propio desarrollo. Inicialmente sus áreas de operación serán:

(1) Entre los *illmaasai*
  (i) Distrito de Monduli
  (ii) Distrito de Ngorongoro
  (iii)Distrito de Kiteto

(2) Entre los *illarusa*
  (i) Distrito de Arumeru (juntando los distritos de Arusha y Arumeru

(3) Entre los *ilparakuyo*
  (i) Distrito Ilparakuyo (juntando a este grupo diseminado en las Regiones, Tanga, Kilimanjaro, Costa, Morogoro, Dodoma, Iringa y Mbeya)

4.3.1 Cuando Inyuat e-Maa se registre como una ONG legal tratará de impulsar el desarrollo económico de esta Comunidad en los siguientes frentes.

(1) **Frente del Desarrollo**
Como Departamento de la ONG, este Frente se ocupará del desarrollo socioeconómico en los terrenos de la Educación, Agua, Salud, Ganadería, Desarrollo Comunitario y Asuntos de la Mujer, Asuntos de la Juventud, cuestiones Ambientales y Finanzas y Administración.

(2) **Frente de Asuntos Culturales y Religiosos.**
Otro Departamento de la ONG, para dirigir, desarrollar y administrar los sitios culturales y religiosos de la Comunidad, tales como En'donyo Ol'Ilmorwaak para el Ritual de Olng'eherr (ubicado en el Distrito Hai - Kilimanjaro) y Oyarata le-Mukulat para el Ritual Eunoto (ubicado en el Distrito de Arumeru – región de Arusha). El mismo Departamento trabajará en la construcción, planificación y consolidación de las Instituciones Tradicionales de la Comunidad (Desarrollo Institucional) que necesitamos como organismos de base. Esto no es sólo para resaltar la sustentabilidad cultural, sino también para buscar los medios y las formas de usar la cultura como un vehículo para el desarrollo.

(3) **Frente de Investigación y Diversificación Económica**
Este Departamento tratará con todo el trabajo investigativo necesario para el desarrollo cultural y socioeconómico de la Comunidad. También tratará de desarrollar la economía pastoral así como aconsejar y sugerir los medios y las formas de diversificar la hasta ahora economía de monocultivo de esta Comunidad.

4.3.2 Mi visión y mi esperanza es que en el largo plazo los tres Departamentos se separen en tres entidades independientes, pero relacionadas, de la siguiente manera:

(1) **Frente de Desarrollo**: permanecerá como la principal ONG haciéndose cargo de los derechos y obligaciones financieras del Inyuat e-Maa.

(2) **Frente de Asuntos Culturales y Religiosos**: se transformará en un Instituto Cultural Autónomo.

(3) **Frente de Investigación y Diversificación Económica**: se transformará en una organización económica autofinanciable.

5.1 Informe de la Conferencia
Se está preparando un detallado Informe de la Conferencia y de la Exposición de las Mujeres en swahili e inglés.

6.1 Redacción de una Constitución y Registro del Organismo
El Secretario en colaboración con el Comité de los 19, junto con un abogado están trabajando en ésto. Esperamos que el trabajo sea finalizado a fines de marzo de 1992.

6.2 Para lograr y completar lo contenido en los Números 5.1 y 6.1 antes mencionados, se ha solicitado la asistencia financiera de patrocinadores de la Conferencia.

7.1 La Conferencia ha encargado a su Secretario y al Comité de los 19 que trabajaron en la Conferencia, el registro del Organismo y la coordinación de las actividades del mismo y la organización de la Segunda Conferencia Maasai sobre Cultura y Desarrollo.

7.2 Cuando el Organismo Inyuat e-Maa sea registrado este Comité será referido como una »Dirección Interina« con un Presidente.

Saruni Oitesoi ole-Ngulay es el Secretario de la Primera Conferencia Maasai sobre Cultura y Desarrollo.

Por más información contactar:

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Publicaciones recibidas

LANE, Charles Robert:
Alienation of Barabaig Pasture Land: Policy Implications for Pastoral Development in Tanzania (Alienación de las Tierras Barabaig de Pastura: Implicaciones Políticas para el Desarrollo Pastoral en Tanzania).
International Institute of Environment and Development. Londres 1991. XXII + 327 pp.

Los *barabaig* son pastores en Tanzania del norte. Esta tesis doctoral es un análisis en profundidad de la producción pastoral barabaig y el sistema social detrás de ella. El libro muestra a los barabaig como pastores racionales, astutos vendedores dispuestos a vender ganado, sin exceso de animales, para las necesidades de subsistencia.

La tenencia consuetudinaria de la tierra muestra que los barabaig tienen un efectivo sistema de control del uso de la tierra. Esto va en contra de la política oficial de Tanzania hacia los pastores, y Charles Lane también desafía la teoría de la »tragedia del estado llano«.

En 1970 Tanzania y el gobierno canadiense acordaron desarrollar vastas extensiones de tierra pertenecientes a los barabaig para un plan triguero estatal. El resultado ha sido una merma sustancial de la productividad de las manadas barabaig. La adquisición de tierra para dicho plan es también contraria a la ley, ya que es una falta de respeto a los derechos territoriales consuetudinarios originados en demandas históricas, políticas, físicas y espirituales.

El estudio concluye considerando las implicaciones de las actuales políticas, y sugiere formas de elevar al máximo el potencial de la producción pastoral y resolver los conflictos territoriales en las áreas pastorales.
(ver Boletín IWGIA Vol. 10 Nos. 1/2, 1990, para el caso de una demanda judicial de los barabaig contra el estado de Tanzania).

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¿Un »Parlamento del Norte«?:

Encuentro de diputados de los pueblos árticos y subárticos en Moscú, mayo de 1991

Por: Inge Larsen

En el otoño de 1989 los 26 pueblos árticos y subárticos de la entonces Unión Soviética, hoy Rusia, formaron un foro común, una Asociación, que posibilitaría llamar la atención sobre la difícil situación en la que se encuentran estos pueblos y ayudarlos (ver Documento IWGIA No.12). Para fortalecer y concretizar este trabajo, los participantes decidieron en una de las reuniones de la Asociación, establecer una asamblea común de diputados electos a los órganos directivos nacionales, tanto a nivel central como local. Tal asamblea se reunió en Moscú del 6 al 7 de mayo de 1991. Por supuesto el trabajo de éste llamado »Parlamento del Norte« fue disturbado por el intento de golpe de estado de agosto del mismo año, al menos en la forma en que originalmente estaba supuesto. Algunos de los diputados que participaron en la asamblea en mayo estaban, en efecto, electos al Soviet Supremo de la Unión Soviética, y perdieron sus posiciones con la desaparición de la Unión Soviética después del intento de golpe de estado. Si bien el trabajo del »Parlamento del Norte« parece haber sido paralizado por estos acontecimientos, presentamos un informe del único encuentro de la asamblea hasta el momento, el congreso constitutivo, que, a pesar de las circunstancias, significa aún así un importante acontecimiento histórico y político en la historia de los pueblos nórdicos en esos años.

Nuestras informaciones sobre el congreso constitutivo de la asamblea de diputados provienen de un artículo en la publicación »Sovetskaia etnografiia«, 1991, No. 6, de T.V. Lukianchenko y N.I. Novikova: *O rabote chreditelnogo sezda norodnykh deputatov ot malo chislennykh norodov Severa, Sibiri i Dalnego Vostoka* (Sobre el Congreso Constitutivo de los diputados de los Pequeños Pueblos del Norte, Siberia y Lejano Oriente).

Participaron 119 delegados de todos los pueblos árticos y subárticos y zonas de Rusia en el Congreso Constitutivo en Moscú del 6 al 7 de mayo de 1991. Como novedad, había también representantes *vepser* e *izhorer*. Los participantes eran diputados, electos a los organismos gubernamentales (soviets) a todos los niveles, desde los soviets locales de la tundra y la taiga hasta el Soviet Supremo de la Unión Soviética y de la República Rusa. Como invitados estaban los presidentes de las cámaras de las nacionalidades, jefes de diversos ministerios y autoridades, que de una u otra manera tienen vinculación con las zonas habitadas por los pueblos indígenas y la explotación esos territorios. Además participaron colaboradores científicos del Instituto de Etnografía y del Instituto de Estudios Sociales, ambos de Moscú.

V.M. Etylen (diputado de Chukotska, electo al Soviet Supremo de la Unión Soviética y presidente del Comité de Iniciativa del Congreso) sostuvo la alòcución de apertura. Habló de la política estatal sobre los pueblos indígenas del norte, y mencionó una serie de diferentes posibilidades de mecanismos de gobierno a nivel administrativo y político, que podrían satisfacer las necesidades e intereses de los pueblos indígenas. Dijo que la política estatal había sido más eficaz y bien orientada entre 1917 y 1930 y en los años 30, pero que se trataba de un gobierno estatal y no de un gobierno autónomo. En su esencia, esta política era una manifestación de paternalismo con beneficencia estatal como punto de partida. Esto fue el origen de decisiones erróneas y una falta de atención de parte del estado sobre los Pequeños Pueblos, lo cual especialmente en el »período de estancamiento« (los 3 últimos decenios) condujo a un agravamiento de los problemas. En el intento de obtener una forma de autonomía, el establecimiento de la Asociación fue un importante paso. Pero al no ser la Asociación un órgano de poder, y dado que los pueblos indígenas tenían problemas locales para obtener real influencia a causa de su reducido número, Etylen propuso, la proposición y discusión de nuevos modelos de solución. Etylen propuso cuatro variantes:

1. cuotas especiales de diputados de los Pequeños Pueblos a los soviets a todos los niveles,

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2. un sistema bicameral a todos los niveles, en el cual una de las cámaras debería consistir de diputados de los Pequeños Pueblos u otros, que representaran sus intereses en los soviets correspondientes, y la otra de diputados elegidos entre toda la población de la región,
3. el establecimiento de comisiones a nivel local, constituidas por diputados de los Pequeños Pueblos, con derecho de veto en relación a las decisiones que afectan a estos pueblos,
4. presentación de candidatos comunes de los pueblos indígenas a las elecciones en listas electorales, donde los candidatos representen a los 26 pequeños pueblos como un grupo político unido.

Estas cuatro variantes fueron discutidas. La mayoría de los diputados apoyaron el establecimiento de un »Parlamento del Norte« como un importante foro que posibilitara la obtención de una influencia política por vía parlamentaria. Muchos apoyaban la idea de un derecho especial de veto. Algunos diputados estaban en contra de un sistema bicameral, porque opinaban que podría conducir a una agravación inoportuna de las relaciones entre los distintos grupos étnicos y nacionales. Preferían un sistema de cuotas o el modelo del derecho de veto. Un gran número de los diputados mencionó la necesidad de una ratificación de la convención de la OIT sobre los derechos de los pueblos indígenas. Con relación a esto, E. Gear, *ngasan* y diputado al Soviet Supremo de la URSS, hace presente que ésto está en contra de la Constitución de la Unión Soviética en cuanto al derecho de propiedad de la tierra y a la Convención de la OIT. Muchos hablaron en favor de dar a las zonas autónomas un mayor grado de autonomía.

Por lo que se refiere a la Asociación, no había acuerdo acerca de la relación entre ésta y la Asamblea de Diputados. Algunos opinaban que se apostara al trabajo de la Asociación, otros al de la Asamblea de diputados. Jeremy Aipyn, *khant* y diputado al Soviet Supremo de la URSS, pertenecía a los últimos, y propuso que la Asamblea de Diputados tuviera posibilidad de contribuir a la realización de una base económica para el desarrollo de los pueblos del norte, y que fuera responsable de la publicación de una revista que sería un paralelo a »Nordlige vidder« (»Las Inmensidades Nórdicas«).

S. Ya. Palcin, de la zona autónoma de Nenetskij en la parte europea de Rusia, recomendó el establecimiento de un fondo especial con el propósito de introducir la economía de mercado en las zonas nórdicas de los Pequeños Pueblos y asistirlos con seguridad social en el período de transición hacia las nuevas relaciones económicas. Los medios del fondo se obtendrían de los presupuestos de las repúblicas y también de la unión.

Vista del Area Autónoma Khanty Mansi. Foto: Vladimir Chen.

Vorontsov, el Ministro del Ambiente habló como invitado. Destacó que la zona »protegida« o convertida en reservas naturales en la tundra y en las zonas forestales de tundra de la República Rusa constituye el 1% de la zona, mientras que en Alaska, por ejemplo, constituye el 15%. Su idea era que se deberían establecer zonas en Rusia reservadas para ocupaciones tradicionales de los pueblos indígenas. Su alocución tuvo mucho eco entre los diputados.

La mayor parte de los diputados apoyaba la idea de instaurar algún tipo de autonomía. En cambio, el presidente de la Cámara de Nacionalidades del Soviet Supremo de la RFSSR, Abdulatipova, estaba en contra de un tratamiento especial y recomendaba a los Pequeños Pueblos integrarse al proceso de desarrollo general del país.

Al final, Etylin dijo que la Asamblea de Diputados debería colaborar estrechamente con la Asociación y previno contra la centralización de las actividades de una y otra organización.

Después, se aprobó el estatuto, programa y reglas de las actividades de la Asamblea. La Asamblea fue definida como un órgano de control y coordinación para los Diputados del Norte a todos los niveles. Se definieron los objetivos y programas de trabajo: coordinación de las actividades de los diputados a todos los niveles, participación en actividades legislativas, control de la instrumentación de estas leyes, asesoría en la redacción de leyes, asistencia de expertos, etc., a todos los niveles, y el establecimiento de un fondo para la supervivencia de los pequeños pueblos, con financiación independiente y con subsidios de instituciones estatales y de otras instituciones públicas, así como también de actividades económicas propias.

La Asamblea propone a la Comisión Constitucional de la URSS y la RFSSR, la elaboración de un sistema de cuotas compuestas de 30 diputados de los Pequeños Pueblos (uno de cada uno) para las respectivas Cámaras de Nacionalidades de la URSS y de la RFSSR. Los diputados de las Cámaras de Nacionalidades tienen que ser elegidos mediante votación secreta en el Congreso de Diputados, y localmente por medio de listas especiales. Además, los Pequeños Pueblos desean tener un representante en los órganos gubernativos importantes.

La Asamblea de Diputados se elegiría entre los diputados electos a todos los niveles. El Congreso se tiene que reunir una vez cada dos o tres años. Se elige una presiden-

cia de 25-30 personas, un integrante por cada uno de los pueblos. Se forman seis subcomisiones, cada una con una zona de trabajo y responsabilidad especial. La presidencia tendrá un representante en el Consejo de Ministros de la RFSSR y publicará un periódico o una revista.

Como presidente se eligió a Y. Ajpyn y E. Gajer, Krivošnapkin y S. Ya. Palčin como vicepresidentes.

Se aprobó una resolución, en la cual se aconseja que se ratifique la convención de la OIT para que los pueblos *vepser, kamchadalere* e *izhorer* sean considerados como Pequeños Pueblos, así como también los *teleuter* y *kereker*, y otorgar a las zonas autónomas más autonomía. También se exhortó a resolver el problema de la propiedad en los territorios de los pueblos indígenas en la constitución de la RFSSR. Finalmente se decidió enviar una protesta al Consejo de Ministros de la RSFSR y la URSS acerca de la apertura de un campo de explotación petrolífera, en Tyanovskoye cerca de Surgut en el área autónoma de Khanti-mansi, donde 211 *chantere* (35 familias) se han quedado sin hogar. Desde un punto de vista ecológico y nacional, la situación es muy tensa en la región. ❑

PUEBLOS INDIGENAS DEL NORTE SOVIETICO

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Derechos Humanos en Birmania

Declaración Oral de IWGIA leída por el Dr. Em Marta frente a la Comisión de Derechos Humanos de la ONU

Esta declaración fue leída por el Dr. Em Marta en la 48a. Sesión de la Comisión de Derechos Humanos de la ONU, bajo el Punto 18 de la Agenda: »Derechos de las Personas pertenecientes a une Etnica Nacional, Minorías Religiosas o Lingüísticas«.

Sr. Presidente:
Los 14 millones de personas integrantes de las minorías nacionales de la Unión de Myanmar están siendo brutalmente privados de sus derechos nacionales y religiosos así como su derecho a la autodeterminación, por las autoridades del país. No dispuestos a otorgar a las minorías sus derechos, las autoridades confunden la situación anunciando que hay 135 razas y arguyen que es poco práctico otorgar a todas esas razas estados autónomos y el derecho a la autodeterminación internacional. La mayoría de estas supuestas 135 razas son las sub tribus de las 11 principales nacionalidades étnicas de Myanmar.

Sr. Presidente,
A las Minorías Nacionales, tales como *arakan, chin, kachin, karenni, lahu, mon, shan* y *wa* les están siendo negados sus derechos desde que el país obtuvo su independencia en 1948. No les es permitido aprender sus propias lenguas en las escuelas públicas, y tampoco pueden practicar sus culturas y creencias religiosas o administrar sus asuntos domésticos. Son tratados como ciudadanos de segunda clase en su propio país. Están forzados a leer, escribir y hablar la lengua birmana – al ser los birmanos la nacionalidad étnica dominante del país – practicar la cultura birmana y someterse al gobierno totalitario del régimen militar.

Las minorías son víctimas de persecuciones e injusticias sociales y económicas cometidas contra ellos por el régimen militar para obligarlos a huir del país, o someterlos a las atrocidades en silencio y miedo, o decidirse por la resistencia armada, lo que les permite usar fuerza excesiva en contra de ellos.

En un país sin enemigos externos, más del 40% del presupuesto nacional es gastado hoy en defensa para la represión de las minorías. El saqueo y quema de las aldeas de las minorías, la violación, las ejecuciones sumarias y la reubicación forzosa de aldeas, son prácticas comunes del ejército. Se presume que más de 400.000 personas de las minorías étnicas han sido ejecutadas sumariamente por aquellos que detentan el poder durante los 40 pasados años.

Durante octubre y noviembre del año pasado las autoridades militares destruyeron 21 aldeas *karen* en el Delta del Irrawaddy en el sur del país por medio de bombardeos aéreos, cañoneo de la marina y asaltos de las fuerzas terrestres. El 12 de octubre de 1991, la Fuerza Aérea Birmana bombardeó una aldea *karen* llamada Teeta. La escuela secundaria de la aldea fue blanco de varias bombas, 41 jóvenes discípulos murieron, y muchos otros fueron heridos. Muchos líderes comunitarios *karen* fueron arrestados bajo el falso cargo de rebelión armada. Fueron torturados y algunos fueron ejecutados. Incluso las esposas y madres de los líderes *karen*, incluyendo ancianos de 70 años, fueron arrestados, interrogados y puestos en prisión. Más de 80 líderes comunitarios arrestados »desaparecieron« en camino a los centros de detención. Los pastores cristianos también fueron blanco de la represión y tres de ellos murieron supuestamente du-

rante los interrogatorios. Más de 30 están todavía en prisión.

El número total de civiles muertos debido a la »Campaña contra-insurgencia« de las autoridades, asciende a 800 durante el año pasado, 117 aldeas *karen* y *mon* en Myanmar suroriental fueron saqueadas y quemadas, 81 aldeas fueron reubicadas por la fuerza y más de 2.000 civiles, incluyendo niños, mujeres y ancianos, fueron sumariamente ejecutados. El ejército de Myanmar ha escalado la guerra civil en el país desde los comienzos de este año. Está lanzando una ofensiva total en contra de los *karen*, empleando más de 25.000 integrantes de sus tropas quienes realizan incursiones ocasionales en la vecina Tailandia.

En Myanmar suroriental miles de integrantes de la minoría musulmana *arakan* huyeron de la tortura y la persecución religiosa por las tropas birmanas. Una gran porción de la tierra musulmana ha sido confiscada y entregada a colonos hostiles. Incluso sus mezquitas fueron demolidas para construir nuevas barracas militares. Los jóvenes musulmanes fueron capturados para trabajos forzados en la construcción de caminos y pistas de aterrizajes. Las barbas de las personas santas musulmanes fueron cortadas por la fuerza y fueron torturados.

Se informa que Myanmar desplegó más de 75.000 soldados a lo largo de su frontera con Bangladesh. Esto ha amenazado la soberanía de la vecina Bangladesh y la paz regional.

En el noroeste de Myanmar, donde el país tiene fronteras con la India, las aldeas *naga* fueron atacadas por las tropas birmanas a mediados de diciembre. El Sr. Vamuzo, el Ministro en Jefe del estado Naga de la India, dijo en una entrevista que su estado ha concedido refugio a 1.400 *naga* de Myanmar quienes habían huido de las atrocidades. El relató sobre un incidente donde las fuerzas birmanas atacantes le cortaron los pechos a una mujer *naga* quien se había negado a quitar sus pertenencias.

Sr. Presidente,

Las atrocidades cometidas por las tropas birmanas han desplazado a más de 150.000 integrantes de las minorías a los países vecinos. Tailandia ha albergado a más de 60.000 refugiados *karen* y *mon*, Bangladesh el mismo número de musulmanes birmanos, y China e India han albergado a más de 30.000 refugiados *kachin* y *naga*. Estas cifras son nada más que la punta del iceberg. Cientos de miles de aldeanos han sido desplazados dentro de Myanmar a causa de las atrocidades y miles han abandonado el país en forma secreta para comenzar nuevas vidas en el extranjero.

Las tropas birmanas han forzado al pueblo a trabajar como portadores en su guerra de aniquilación contra las minorías. Esta personas fueron capturadas en lugares de entretenimiento público, o estaciones de transportes públicos o en sus trabajos u hogares. Fueron tratados inhumanamente, obligados a acarrear pesos excesivos, sin comida suficiente, sin tratamiento médico cuando estaban enfermos o heridos a causa de los fuegos cruzados. Fueron forzados a marchar al frente de las tropas en los campos minados, y sus familiares no recibieron ninguna compensación en caso de muertes. Actualmente más de 20.000 personas están siendo forzadas a trabajar como portadores por los soldados birmanos en Birmania suroriental. De acuerdo a lo que cuentan los portadores que han logrado escapar, algunos de los portadores son mujeres, incluso mujeres embarazadas, y algunas tuvieron que abandonar a sus hijos lactantes. La mayoría han ya estado en esta situación durante más de 2 meses sin esperanzas de escapar. Algunas de las mujeres han sido forzadas a dormir con los soldados. Supuestamente más de 100 de ellos han muerto ya en los fuegos cruzados o de enfermedades. Se ha también informado que en Birmania occidental, 15.000 musulmanes fueron conscriptos por el ejército para ser usados como escudos humanos en caso de que la guerra estalle entre Bangladesh y Myanmar.

Sr. Presidente,

Como conclusión quisiera destacar que el tratamiento de las minorías por el ejército de Myanmar no puede ser más considerado como un asunto interno de un país. La guerra civil en el país ya ha desplazado a 150.000 refugiados a países vecinos. La declaración de la Asociación Internacional Contra la Esclavitud destacó a los grupos de trabajo sobre formas contemporáneas de esclavitud, que 1.500 mujeres birmanas eran forzadas a la prostitución en Tailandia, solamente en el pueblo meridional de Ranong. Las autoridades tailandesas expresaron que un alto porcentaje de las mujeres birmanas eran portadoras del SIDA. Pero se cree que el porcentaje de infección HIV se está expandiendo rápidamente, en forma oculta y sin investigación, al resto de la comunidad por medio del uso de drogas intravenosas, transfusiones de sangre, contacto sexual, prostitución y otras formas.

Este año la cosecha de opio en Myanmar se estima en más de 2.500 toneladas ya que las autoridades militares han firmado un acuerdo de cese del fuego con los señores feudales del opio y están cooperando en la producción de heroína ilícita. Myanmar es por lo tanto una amenaza a la seguridad regional y a la paz mundial. La cuestión de los derechos humanos en Myanmar ha estado bajo un procedimiento confidencial durante los pasados tres años pero las autoridades no muestran ningún indicio de querer mejorar la situación de los derechos humanos del país.

Apelamos, por lo tanto, a la Comunidad Internacional, y especialmente a nuestros vecinos países asiáticos, a través de esta comisión, a ejercer la máxima presión política y económica sobre el régimen militar de Myanmar para hacerlo

- respetar los derechos de las minorías nacionales, étnicas, religiosas y lingüísticas del país
- poner fin a su guerra civil contra las minorías nacionales y religiosas
- devolver en forma inmediata el poder estatal a los representantes populares.

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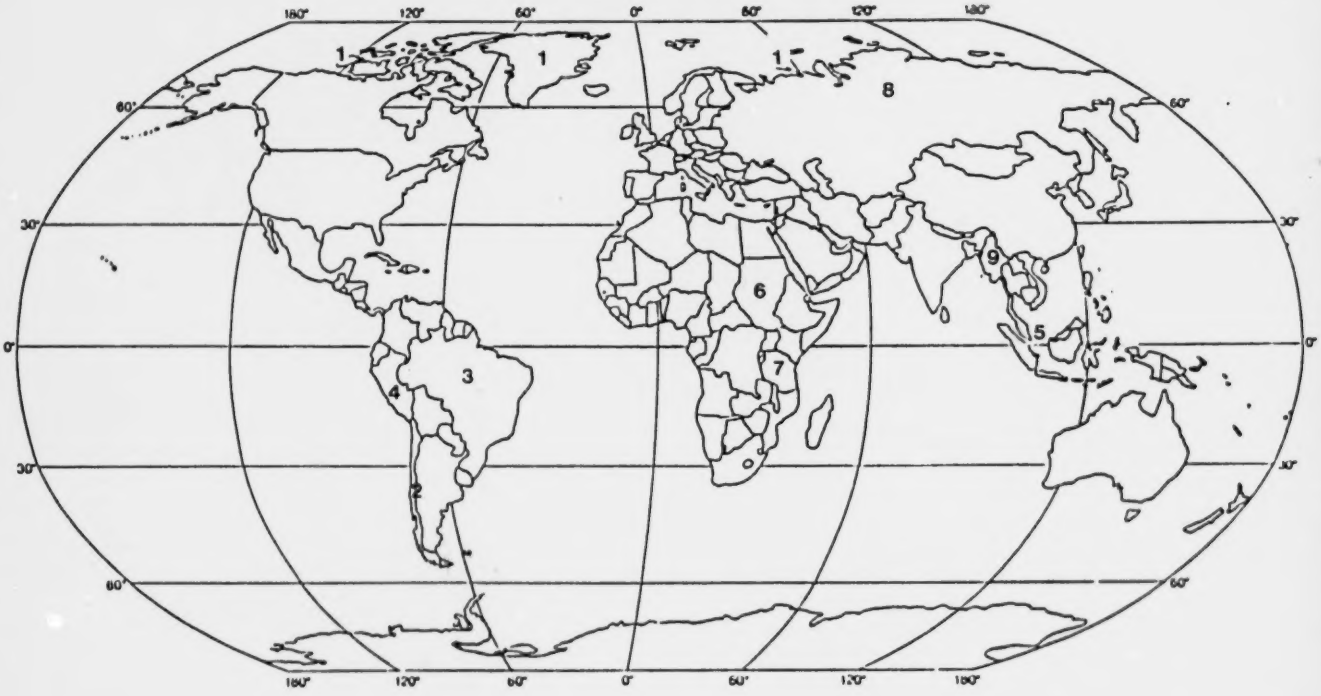

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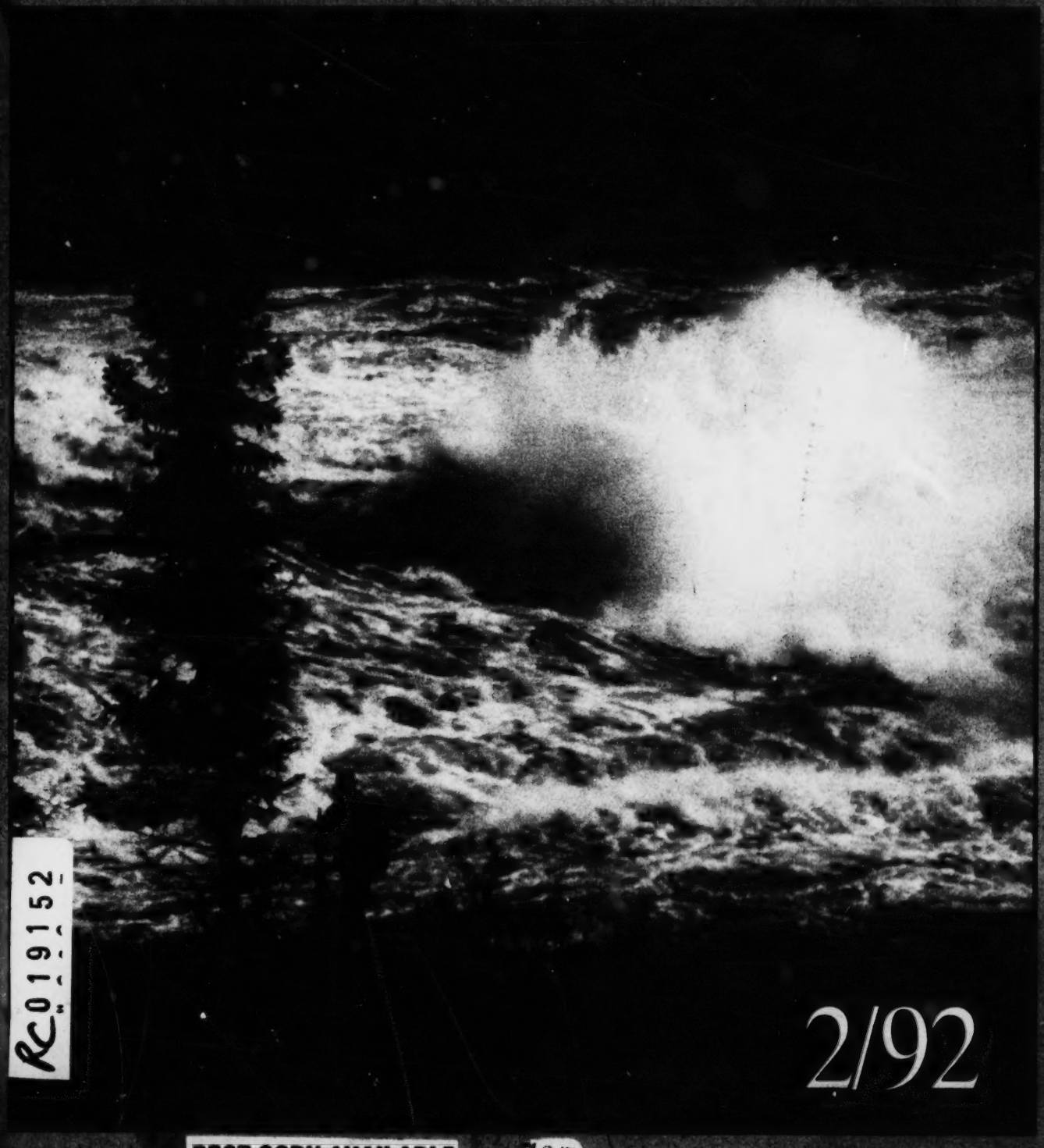

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Editorial

El desmesurado uso de los recursos hídricos ha traído graves consecuencia sobre el medio ambiente y los seres humanos. Para tratar este tema, se celebró en Amsterdam, el Segundo Tribunal del Agua con la participación de delegados de 18 países. En el caso de Canadá, los representantes de la nación *cree*, denuncian que la construcción del Proyecto Hidroeléctrico en la Bahía de James en Quebec, ha traído serias consecuencias sobre el medio ambiente, amenazando la sobrevivencia de los indígenas que habitan el área. Sin embargo, las autoridades no respetan los derechos territoriales indígenas y se niegan a discutir el proyecto hidroeléctrico con los cree.

En India la construcción del dique de Narmada prevé una tragedia ambiental y social ya que se estima que más de 300.000 personas deben abandonar sus viviendas al quedar sumergidas bajo las aguas unas 130.000 hectáreas de tierra.

En Papua Occidental, las autoridades indonesias han iniciado una campaña para que compañías extranjeras inviertan en la extracción de minerales en la isla. Recientemente, la empresa norteamericana Freeport, ha obtenido una importante concesión para la extracción de cobre y oro perjudicando directamente a los ríos que proveen de agua al pueblo *amungme*. Una situación similar es vivida en Brasil entre los indios *munduruku, kaiabi* y *satere-mawe*, donde las aguas siguen contaminándose como consecuencia de la extracción de oro.

Mientras tanto, en Penang, Malasia, se reunieron los representantes de los bosques tropicales del continente americano, Asia y Africa, para discutir su situación. La conferencia produjo la »Declaración de los Pueblos Indígenas de la Selva Tropical« al mismo tiempo que se estableció la »Alianza Mundial de los Pueblos Indígenas de la Selva Tropical«. En este número transcribimos la Declaración de Penang donde se definen las exigencias, objetivos y principios de los indígenas, aportando así una nueva visión del desarrollo y la conservación de la selva, basada en los derechos de sus habitantes originales.

Uno de los pueblos afectados por la devastación de la selva son los *moi* de Papua Occidental luego de que el gobierno de indonesia otorgase una importante concesión para la explotación de madera en el corazón de la tierra moi.

En Israel, un 60% de los *beduinos* de Negev continúan resistiendo a la política de asentamiento dirigida por el Estado. Los beduinos consideran que, con esta política, Israel se garantiza el dominio sobre los territorios tradicionales beduinos.

En Perú los indígenas *asháninka* son una de las víctimas de la lucha armada entre el Ejército peruano y la guerrilla del Sendero Luminoso y Tupac Amaru. A finales de 1989 los indígenas se levantaron contra el asesinato de uno de sus líderes por parte de la guerrilla, creando grupos armados de defensa. A partir de entonces se sucedieron una serie de enfrentamientos, principalmente por el Sendero Luminoso, que han traído consecuencias fatales para los asháninkas.

El resto de América Latina, sigue padeciendo las secuelas del cólera y en este número, brindamos un cuadro de la situación de la epidemia.

En Guatemala, la líder indígena *maya*, Rigoberta Menchú, ha sido oficialmente nominada para el Premio Nobel de La Paz 1992, candidatura que es apoyada por la »Campaña Continental de los 500 años de Resistencia Indígena y Popular«. Adolfo Pérez Esquivel, que obtuvo el Premio Nobel de la Paz en 1980, fue el responsable de presentar la candidatura de Rigoberta Menchú ante el Comité Nobel por lo que transcribimos la presentación de Esquivel de la candidata para el próximo Premio Nobel de La Paz.

Ulla Hasager y Kawaipuna Prejean muestran como en Hawai'i los Estados Unidos no están cumpliendo con sus obligaciones relativas a los *kanaka maoli*, de implementar el Acta de la Comisión Hawaiiana para Asuntos Interiores de 1921, negándoseles así los derechos a los nativos hawaiianos.

Mientras tanto en Alaska existen interpretaciones diversas de cómo aplicar allí los principios de la »Ley Federal India«. Aquí analizamos la cuestión de la autonomía tribal en Alaska a partir del caso Tyonek.

Alejandro Parellada ❑

Portada: *Canadá: Territorio Whapmagoostui. Foto: Luis Eguren.*

Segundo Tribunal Internacional del Agua

Amsterdam, Holanda, 17 al 21 de febrero de 1992

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Sra. Keri Hulme (Nueva Zelanda)
Sr. Devaki Jain (India)
Sr. Alexander Ch. Kiss (Francia)
Sr. Mochtar Lubis (Indonesia)
Sr. Jorge Morello (Argentina)
Sr. Vicente Sánchez (Chile)
Sra. Marie-Angélique Savane (Senegal)
Sr. Gerd Winter (Alemania)

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Tribunal del Agua

Canadá: II Proyecto Hidroeléctrico de Great Whale River-James Bay

Al Jurado del Segundo Tribunal de Internacional del Agua

Yo, Matthew Coon-Come, declaro:
Soy Gran Jefe del Gran Consejo de los Cree (de Quebec), representando la Nación Cree de Quebec que consiste de las tribus *nemaska, mistissini, waswanipi, whapmagoostui, chisasibi, wemindkji* y *eastmain* y somos demandantes en este caso.

La Nación Cree consiste de 10.000 aborígenes de ascendencia *cree*, una sociedad organizada que ha vivido, cazado, pescado, cazado con trampas y cultivado en el área de la Bahía de James y la de Hudson desde tiempos inmemoriales, sometidos a sus propias leyes, costumbres y creencias.

La Nación Cree ha tenido, desde tiempo inmemoriales, títulos aborígenes de sus tierras ancestrales, un área de unos 450.000 km², el este de la Bahía de James y de Hudson. Este título ha sido confirmado por la ley común, bajo la Proclama Real de 1763 y otras leyes, y confirmada por el Acuerdo de James Bay y Quebec Norte (1975) y la legislación canadiense relacionada.

Hemos usado, administrado, conservado, sostenido, y hemos sido alimentados por estas aguas y tierras y las criaturas que viven allí, durante más de 5.000 años, sin dañarlas ni perjudicarlas.

Nuestras aguas, tierras y modo de vida han sido, en los años recientes, dañados por el megaproyecto hidroeléctrico I James Bay, autorizado y construido por los acusados. El propuesto megaproyecto de James Bay amenaza además nuestro ambiente, y pone en peligro la supervivencia del pueblo cree.

La evidencia presentada en este Documento del Caso concerniente a los efectos negativos ambientales y sociales del proyecto hidroeléctrico James Bay, proviene de nuestro conocimiento y experiencia, el conocimiento tradicional cree, y del conocimiento de otros, incluyendo expertos científicos.

El Documento del Caso es, según mi mejor convicción y conocimiento, una verdadera y precisa presentación de nuestro caso.

Matthew Coon-Come, Gran Jefe

I. El Demandante

A. El Demandante es el Gran Consejo de los Cree (de Quebec). Representa a la Nación Cree del norte de Quebec, integrada por las tribus *nemaska, mistissini, waswanipi, whapmagoostui, chisasibi, wemindkji* y *eastmain*. La Nación Cree consiste de 10.000 aborígenes de ascendencia cree, una sociedad organizada que ha tenido sus propias leyes, costumbres, religión y propósitos desde tiempos inmemoriales y durante milenios antes de que se hubiera dado cualquiera tipo de presencia europea o colonización en América del Norte. La Nación Cree es un »pueblo aborigen« en el contexto del significado del Acta Constitutiva del Canadá, de 1982, y es una Nación reconocida por la Asamblea Nacional de Quebec.

B. Desde tiempos inmemoriales, los Demandantes han tenido títulos aborígenes a sus tierras tradicionales ancestrales, un área de unos 450.000 km² (175.000 millas cuadradas) al este de las bahías de James y de Hudson, en el área del Quebec Septentrional. El título de los indios cree a sus tierras tradicionales ha sido reconocido por el derecho positivo, bajo la Proclama Real de 1763 y otras leyes, y confirmado bajo el régimen del Acuerdo de James Bay y Quebec Septentrional (JBNQA) y legislación relacionada (ver s. III.B más adelante).

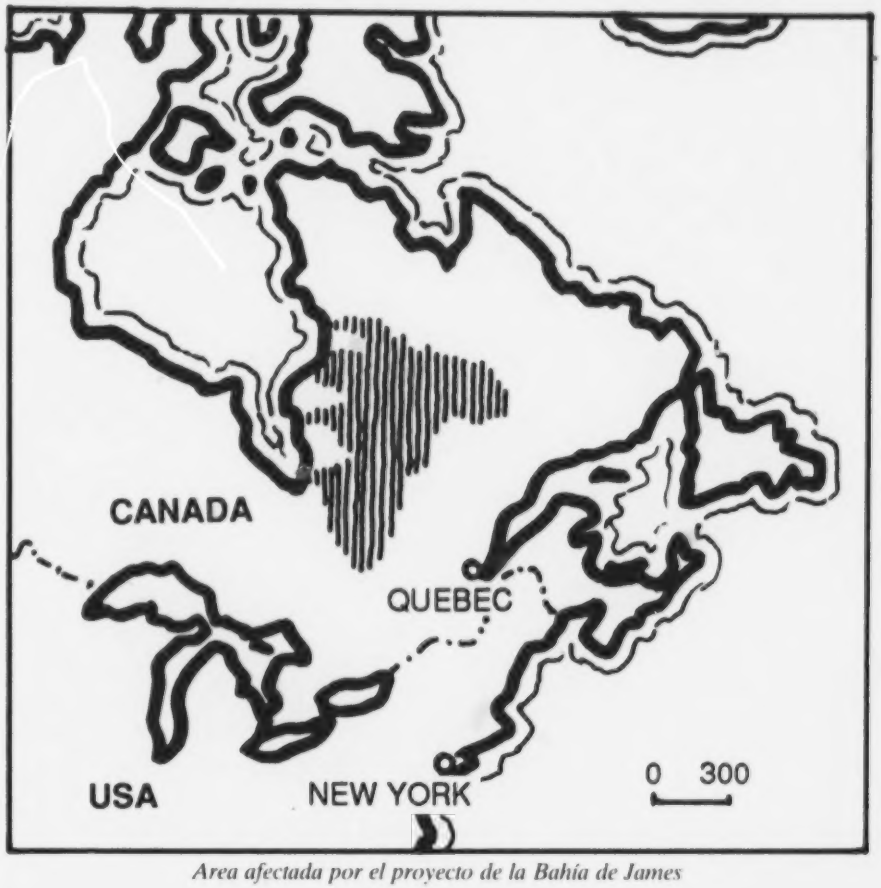
C. Los Demandantes han ocupado, usado, administrado y conservado el frágil ambiente septentrional, el cual ha sido su tierra tradicional durante más de 5.000 años. Tienen una especial relación con la tierra y todas sus criaturas, con las cuales ellos son íntimamente interdependientes y de las cuales depende su supervivencia física, cultural y espiritual:

»Cuando nosotros los cree hablamos de nosotros mismos, decimos (nitohow wiyiyi-

wits), o somos pueblos cazadores. Más que denotar simplemente el hecho de cazar, el significado incluye nuestro total modo de vida; nuestros valores, nuestras aspiraciones, nuestra actividades... Nuestra tierra y clima han sido descartados por muchos como estéril e inhospitalario. Nosotros los consideramos ricos en peces, pájaros, animales de caza y animales con pieles. Cubriendo nuestros territorios, existe una red de trabajo de nueve comunidades cree y nuestras líneas de trampas... Nosotros consideramos nuestra relación con los animales como espiritual, respetandolos como hermanos. Desde nuestra perspectiva, los animales y los hombres han sido puestos en la tierra para hacerse cargo los unos de los otros. Los animales nos proveen de alimentos y nosotros, a cambio, conservamos la tierra y administramos nuestra caza. Todos los días se nos recuerda la importancia de los animales. Hemos sufrido hambre cuando no se podía encontrar animales, una lección que tenemos presente cada vez que cazamos. El pescado es algo fundamental en la dieta cree. Los peces nos mantienen cuando estamos cazando con trampas.. en los tiempos de la escasez de caza, los peces eran el único alimento disponible. A causa de una práctica de explotación de recursos responsable, ninguna de las especies que usufructuamos, ya sea cazando, pescando o capturando con trampas, está en peligro. Bajo nuestro cuidado los animales prosperan... la protección de la vida forestal no es sólo una cuestión sentimental, es una opción inevitable que debemos hacer. Sin ella no podríamos existir...« (Gran Consejo de los Cree (de Quebec), 1990).

Numerosos estudios antropológicos y ecológicos han corroborado la anterior descripción de la escala de valores de los cree, su sociedad y uso para la subsistencia de las tierras tradicionales para la sobrevivencia física, comunitaria y espiritual. Establecen que la sociedad cree es altamente estable, organizada, un complejo -y delicado- modo de vida, que está íntimamente conectado con la tierra, los animales, y el ambiente. En adición, ellos establecen que los Demandantes han, consciente y sabiamente, salvaguardado y conservado la base de recursos y medio ambiente del cual son partes, desde tiempos inmemoriales.

Los Demandantes así lo han hecho durante milenios. A través de la aplicación de su conocimiento tradicional, los cree han conservado los recursos naturales de la Bahía de James y protegido el ambiente durante miles de años.



Area afectada por el proyecto de la Bahía de James

D. Manteniendo sus deberes con ellos mismos y las futuras generaciones, sus tierras tradicionales y otras criaturas, los Demandantes se han opuesto consecuentemente al Proyecto desde que fue propuesto por primera vez en 1971:

Al Ministro de Asuntos Indios:

Nosotros, los representantes de las tribus cree que serán afectadas por el proyecto hidroeléctrico de James Bay o cualquier otro proyecto, nos oponemos a esos proyectos porque creemos que sólo los castores tienen el derecho de construir represas en nuestro territorio, y exigimos al Ministro... que haga uso de su jurisdicción legal para detener todos los intentos de invasión de nuestros territorios, legalmente bajo nuestra propiedad, por parte del Gobierno de la provincia de Quebec, u otra autoridad cualquiera. Y hemos firmado este documento el primer día de julio de 1971.

Desde entonces, la oposición de los Demandantes al Proyecto ha sido sin ambigüedades y declarada públicamente, incluyendo la comunicación con los Acusados, declaraciones públicas y protestas, y a través de litigios intensos en las cortes de los hombres blancos.

II. Los Acusados

A. El Gobierno del Canadá (Acusado 1)
B. El Gobierno de Quebec (Acusado 2)
C. Hydro-Quebec (Acusado 3) y partes de Corporaciones Transnacionales Europeas.

El Gobierno de Quebec permite las actividades de Hydro-Quebec, una corporación de la Corona, así llamada, la cual actúa como agente del gobierno. Hydro-Quebec posee totalmente y controla la Corporación Energética de James Bay, que explota los recursos hidroeléctricos de James Bay a nombre de Hydro-Quebec. Ambas corporaciones son signatarias del JBNQA, y por lo tanto tienen obligaciones legales específicas con respecto al ambiente y a los Demandantes.

Las actividades y omisiones de este Acusado son:

1. La parte Acusada, Hydro-Quebec, construyó un megaproyecto hidroeléctrico, ambiental y socialmente destructivo, en las tierras tradicionales de los Demandantes, sin

previa evaluación de los efectos que tendría sobre el ambiente o los Demandantes. El proyecto ha causado daño substancial e irreversible a las tierras tradicionales de los Demandantes, ha dañado seriamente a los Demandantes y su forma de vida.
2. La parte Acusada, Hydro-Quebec, contrató una serie de corporaciones europeas y otras corporaciones transnacionales para la construcción de James Bay I.
3. La parte Acusada, Hydro-Quebec, trata de construir más trabajos de megaproyectos hidroeléctricos en las tierras tradicionales de los Demandantes, los cuales tendrán efectos negativos serios sobre el ambiente y los cuales amenazan el estilo de vida de los Demandantes y su supervivencia como pueblo.
4. La parte Acusada, Hydro-Quebec, ha recogido información técnica y ambiental con respecto a James Bay Fase II, a un costo de millones de dólares. Estos estudios han sido llevados adelante en violación de los procedimientos de evaluaciones ambientales estipulados por el JBNQA. El resultado de estos estudios no ha sido hecho público, y no son accesibles a los Demandantes. En particular, los estudios incluyen investigaciones relativas a la contaminación de metil mercurio del ambiente y de los componentes tradicionales de la dieta de los Demandantes, y de otros contaminantes en los alimentos. Esta práctica ha perjudicado severamente a los Demandantes;

D. SNC-Lavalin Inc. (Acusado 4)
El Acusado SNC-Lavalin Inc. (antes dos corporaciones separadas, SNC y Lavalin; se unieron en 1991) es una corporación de ingeniería de Montreal.

Las actividades de esta parte Acusada son:

1. La parte Acusada SNC-Lavalin Inc. estuvo involucrada en forma prominente en la construcción de la Fase I de James Bay como »Participante Administrador«. El Proyecto ha causado daños substanciales e irreparables a las tierras tradicionales de los Demandantes, y ha dañado seriamente a los Demandantes y a su estilo de vida.
2. La parte Acusada SNC-Lavalin Inc. está involucrada en forma prominente en la promoción de la construcción de otros megaproyectos hidroeléctricos en las tierras tradicionales de los Demandantes, los cuales tendrán efectos devastadores sobre el medio ambiente y amenazan la supervivencia de los Demandantes como pueblo.

III. El Proyecto

»Yo no creo que hay un precedente similar de manipulación de las aguas subárticas en ninguna otra parte del mundo... como tal, el proyecto representa un experimento natural – tanto ecológico como social – en gran escala«. (Penn, A. »Testimonio al Consejo Nacional de Energía, 1990)

A. Antecedentes

En algún lugar al otro lado del océano, un rey garabateó su nombre en un pedazo de papel, y todas las tierras cree se convirtieron en parte de la tierra otorgada al Príncipe Ruperto. Aproximadamente 100 años más tarde, otro rey firmó otro pedazo de papel, esta vez diciendo que las negociaciones con los pueblos nativos y sus derechos eran del dominio del gobierno imperial... En el siglo pasado, a Canadá le fue otorgado la Tierra de Rupert y, en 1898 y 1912, Canadá cedió la Tierra de Rupert a Quebec bajo la condición de que se ocupara de los derechos de los habitantes nativos... Todo este papeleo hecho por gente sin conocimiento de los cree o de nuestro estilo de vida o de nuestras creencias, tiene sólo significación para nosotros porque el sistema del hombre blanco nos ha sido impuesto... Nosotros (entonces) perdimos nuestro caso en un sistema judicial que era totalmente foráneo, administrado para minimizar nuestras pérdidas... El sueño de dominar el proceso de las tierras de James Bay es el sueño de Robert Bourassa de megaproyectos hidroeléctricos. El sueño de Robert Bourassa es una pesadilla para el pueblo cree.

Gran Jefe Matthew Coon Come

Las Políticas de las partes Acusadas, Canadá y Quebec, durante el siglo 20 han sido la de extender los dominios de la autoridad y administración del gobierno; para »desarrollar el norte« a través del establecimiento y la explotación de recursos por parte de los sureños; para restringir la cultura y las economías tradicionales cree de subsistencia; para acelerar la transición al trabajo asalariado; para restringir la caza de los cree en favor de los cazadores eurocanadienses; para forzar a los niños cree a asistir a las escuelas sureñas, perdiendo por lo tanto las habilidades necesarias para su supervivencia económica y cultural; y para socavar la autonomía y las instituciones cree.

Estas políticas, y especialmente el desarrollo industrial en los territorios cree, dañaron las actividades de subsistencia de los Demandantes. La contaminación de las minas y de los aserraderos, promovidos y permitidos por los Acusados 1 y 2, afectaron a los animales y a los peces de gran forma, y por lo tanto a los Demandantes. Sin embargo, el estilo de vida cree probó ser tenaz, y la caza, la pesca, la captura de animales con trampas, y la recolección continuaron y continúan siendo un actividad productiva clave – y un pilar de su universo cultural y espiritual.

B. James Bay I: Proyecto La Grande

El aprovechamiento del »poder hidroeléctrico del norte« ha sido durante largo tiempo, una visión personal y una plataforma política, del Primer Ministro de Quebec Robert Bourassa. En 1971, el Acusado 2 anunció, sin consulta o aviso, que iba a construir un proyecto hidroeléctrico enorme en las tierras tradicionales de los Demandantes.

Los Demandantes estaban extremadamente preocupados sobre la pendiente destrucción por la diversión (y por lo tanto el secado) de muchos ríos importantes; la destrucción por grandes crecidas de otros ríos importantes; la construcción de numerosas represas y cientos de quilómetros de diques, y la inundación de miles de quilómetros cuadrados de sus tierras y líneas de trampas.

El Acusado Quebec insistió que los Demandantes no tenían derechos originales, y se rehusó a discutir el proyecto con ellos. Después de agotar todas las vías, los Demandantes fueron a las cortes para procurar una interdicción para detener el proyecto. Después de 78 días de vistas de corte, consistentes de 10.000 páginas de evidencia transcrita y cinco meses de deliberación, los Demandantes fueron premiados con un interdicción temporaria en noviembre de 1973. La Corte Suprema aceptó los títulos cree a la tierras, y reconoció que cualquier interferencia con el uso cree de la tierra, amenazaba su existencia como pueblo.

Siete días después, esta orden histórica de la corte fue sumariamente rechazada por la Corte de Apelaciones de Quebec en una sentencia de cuatro páginas, después de una vista judicial de cuatro horas en la cual los abogados de la parte Acusada, Quebec, -los Apeladores- ni siquiera fueron llamados a exponer su caso. La corte superior juzgó que el »equilibrio de conveniencias« favorecía a los Acusados porque habían comenzado los trabajos del proyecto. A los cree se les negó autorización para apelar esta decisión.

Un año después, la Corte de Apelaciones juzgó los méritos del caso. Sostuvo que era dudoso que los cree habían tenido derechos sobre el territorio desde 1670, cuando Carlos II de Inglaterra otorgó a la Compañía Hudson Bay la propiedad absoluta del territorio,

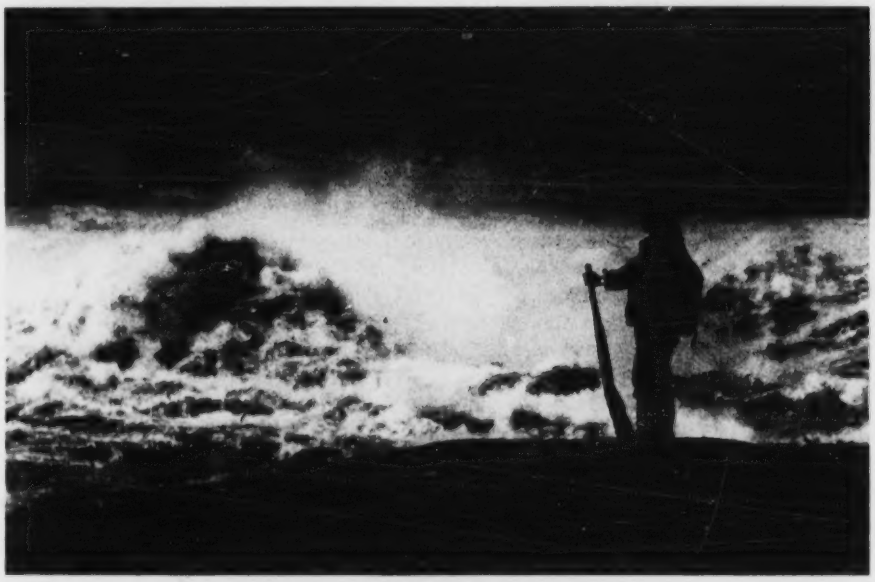
acompasando éso con el trabajo que ahora se estaba realizando; que los Demandantes eran (en ese entonces, debe ser notado, dado el influjo de miles de trabajadores para el proyecto) una minoría en su territorio tradicional; que ellos habían, en virtud del uso de algún equipo modern abandonado su cultura y eran ahora como los blancos; y aún más extraordinariamente -mientras que la Corte Superior de Quebec antes y la Corte Federal en 1991 se referían a los »devastantes« y »drásticos« efectos del proyecto hidroeléctrico sobre el medio ambiente y los Demandantes- que el proyecto sería en realidad bueno, y podría mejorar el medio ambiente.

La decisión de la Corte de Apelaciones dejó muy claro a los Demandantes que serían incapaces de impedir la construcción de la primera fase del proyecto, especialmente cuando la construcción continuaría y el proyecto podría ser completado durante otros largos procesos de apelación. Los cree, decidieron entonces en forma reacia a negociar con los gobierno de Quebec y Canadá, con la esperanza de poder obtener cambios y reducir la influencia del efecto del proyecto y proteger el medio ambiente y sus derechos aborígenes y humanos.

Las negociaciones fueron conducidas con gran dureza. La construcción de James Bay Fase I estaba ya en marcha. Los Acusados, Canadá y Quebec insistieron en la extinción de determinados derechos aborígenes cree hacia y en la tierra como una condición previa de la firma de un acuerdo que protegería su cultura y economía de caza, pesca y trampas. El Acusado Canadá amenazaba con cortar los fondos brindados a los cree para defenderse en las cortes, y participó en las negociaciones como un adversario de los cree. El Acusado Quebec mantuvo una postura de negación de los derechos de los cree y también insistió sobre previsiones en el JBNQA que están en desacuerdo con los derechos humanos fundamentales de los Demandantes.

Las Partes firmaron el JBNQA en 1975. El acuerdo permitió la construcción de la Fase I del Proyecto, e indemnizó a los Demandantes por la alteración de sus estilo de vida y los efectos negativos sobre sus tierras tradicionales. El acuerdo también prometió preservar los derechos de los Demandantes a gobernar, cazar, pescar y atrapar en sus tierras tradicionales.

La Fase I de James Bay fue construida sin ninguna evaluación formal y previa sobre efectos ambientales. La Fase I del proyecto ha resultado en cambios y daños sociales y ambientales, y severos perjuicios a los cree y



Río Great Whale. Foto: Luis Eguren.

a sus intereses en la tierra y fauna del área (ver IV.A más adelante: »Efectos Directos«). Los Demandantes están por lo tanto determinados, como un asunto de su supervivencia como pueblo, a impedir la construcción de la Fase II de James Bay.

Los Acusados están ahora proponiendo comenzar con la Fase II del Proyecto James Bay, empezando en 1992, sin una adecuada evaluación del efecto sobre el medio ambiente, y sin el consentimiento de los cree.

La Fase II del Proyecto consiste de dos partes, Great Whale/Grande Baleine (Parte I: fecha de comienzo 1992; finalización programada para el 2000) y Nottaway-Broadvack-Rupert/«NBR« (Parte 2: fecha de comienzo 1996; finalización programada para el 2001).

Los Acusados 2 y 3 insistieron hasta setiembre de 1991, que era su intención construir la infraestructura, de un costo de C$750.000.000, antes de la evaluación ambiental del proyecto como un todo.

La construcción de la Fase II de James Bay causará, basándose en la experiencia de la primera fase, serios, permanentes e irremediables daños a los cree y al agua dulce, marina y el medio ambiente terrestre en el cual viven y del cual dependen (ver la Demanda, más adelante). Hydro-Quebec ha reconocido, de forma importante, que la contaminación de las aguas y los peces con metil mercurio es inevitable, y declaró que los cree deben simplemente restringir severamente su consumo de peces, un componente básico de su tradicional dieta de subsistencia.

Los acusados han resistido tenazmente todos los esfuerzos de los cree y otros para obtener una evaluación de efectos de la Fase II de James Bay, plena, abierta y rigurosa, antes de la construcción. Los Acusados, Hydro-Quebec y el Gobierno de Quebec han rehusado hacer públicos los estudios sobre los efectos ambientales y sociales de James Bay II. También se han resistido los esfuerzos de los Demandantes y otros para forzarlos a brindar información de importancia crucial, incluso en las cortes.

James Bay I ha afectado las aguas y el medio ambiente acuático; el medio ambiente terrestre; y la flora y fauna y el medio ambiente humano de James Bay y la bioregión de manera seria, perniciosa y permanente. Algunos de los principales efectos de James Bay I se espera resultarán de los trabajos comisionados hasta el año 1995. Estos efectos pueden sólo ser evaluados en los años y décadas siguientes. James Bay II agravará los efectos de James Bay I sobre el medio ambiente y los Demandantes. Los lazos íntimos de los Demandantes con el agua, la tierra y la fauna los han hecho especialmente conscientes de los efectos desastrosos de los Proyectos hasta la fecha, y de la probabilidad de más efectos si el Proyecto continúa.

Los efectos más importantes son los siguientes:

1. Inundación de tierras y pérdida de animales.
2. Acumulación de mercurio en las reservas de peces como consecuencia del embalse de las reservas.

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3. Alteración negativa de las las corrientes de agua por la diversión de los ríos y las transferencias inter-cuencas, y pérdida de peces y otros habitat.
4. Pérdidas de tierras bajas productivas y de tierras anegadizas.
5. Erosión y sedimentación.
6. Alteración negativa de los niveles y las corrientes.
7. Alteración negativa de la temperatura y la calidad de las aguas.
8. Efectos negativos sobre el agua dulce y los mamíferos marinos.
9. Efectos negativos sobre las aves migratorias.
10. Efectos negativos sobre el clima (»gases de invernadero«).

B. Efectos sociales directos

Los efectos sociales y ambientales del proyecto están estrechamente ligados a los cree demandantes, para quienes la caza, la pesca y las trampas son centrales para la subsistencia y la organización social. La destrucción del habitat de la fauna o de los pesqueros daña seriamente a los Demandantes, un pueblo que no vive simplemente en (o »cerca«) del medio ambiente, sino cuya cultura, creencias y real estilo de vida, los hace parte del mismo.

Lo siguiente incluye algunos de los efectos sociales y culturales del Proyecto sobre los Demandantes:

»Nimass aksiwin (lit. »enfermedades de los peces«, o envenenamiento por metil mercurio) golpea en el corazón de nuestra sociedad. Es como si se nos dijera que el Apocalipsis ha comenzado, y la gente está en pánico. Los científicos vienen y nos dicen que estamos mejorando (comiendo menos peces), pero, ¡eh!, no se puede medir... nimass aksiwin tomando muestras de cabellos. ¿Cómo se puede medir el miedo de un hombre? ¿Cómo se puede medir la finalización de un estilo de vida?«

George Lameboy, trampero cree

El embalse de las reservas de aguas del Proyecto llevó a la contaminación mercurial de los Demandantes. En 1984 dos tercios de la población en Chisasibi, una aldea en la boca del río La Grande, tenían niveles de mercurio en el cuerpo más elevados que los límites aceptables por la Organización Mundial de la Salud (WHO); y algunos ancianos tenían varias veces el nivel declarado aceptable y tenían niveles que habrían sido asociados con enfermedades neurológicas en cualquier otra parte.

Desde el surgimiento del problema del metil mercurio, los Demandantes han sido comandados a dejar de pescar y a finalizar, o disminuir en gran escala, su consumo de peces, y ésto ha llevado a una baja gradual de los niveles de mercurio en el cuerpo desde 1984. Esto plantea una serie de importantes cuestiones sociales, culturales, y de la salud. Aunque la contaminación mercurial ha comenzado a disminuir en los seres humanos, está aumentando en los peces. El mercurio es concebido por los cree como una especie de contagio, como una enfermedad infecciosa entre los peces, que puede ser trasmitida al hombre. La experiencia en Canadá, ha mostrado que la pérdida de confianza en los alimentos de la tierra es fácilmente inducida, tiene profundas consecuencias y es difícil de remediar, resultando en una tensión adicional sobre la subsistencia como sistema social y económico.

Los resultados colectivos (de las reacciones a la contaminación mercurial) puede ser el abandono de la economía de subsistencia en tal grado que la integridad social de la comunidad se vea seriamente comprometida. Esto, en cambio, puede ser evidenciado a través de elevada mortalidad, enfermedades y patología social.

La pesca, particularmente en los lugares comunitarios de los primeros rápidos de los ríos más importantes, era una actividad cultural central. Tiene un significado que va más allá de la nutrición. Para los Demandantes, la pesca es una actividad social que mantiene los lazos sociales a través de su producción y distribución. La destrucción de los pesqueros cree ha privado a los Demandantes de algo del modo en que la comunidad misma está organizada.

La parte Acusada, Canadá, en su Estrategia Ambiental Artica de 1991 dice: Un Plan de Acción ha identificado la manutención de la integridad de los alimentos como una prioridad para poder renovar la confianza de los pueblos nativos en los alimentos del campo como una dieta sana. La parte Acusada, Canadá, ha señalado fuentes atmosféricas de contaminantes tóxicos y a través de las fronteras, pero ha contemplado en silencio la inundación de extensas áreas de bosques subárticos para proyectos de desarrollo hidroeléctrico, y la resultante contaminación mercurial de los Demandantes y sus consecuencias para su sociedad.

»...el derecho a los alimentos no se puede considerar totalmente protegido a menos que (a los canadienses) les sea garantizados alimentos que son culturalmente aceptables... Esta dimensión del derecho a los alimentos es básico en su aplicación a los pueblos aborígenes de Canadá, cuyas actividades de caza, pesca y recolección forman una parte integral de sus culturas. No sólo hay una gran dependencia de los alimentos así adquiridos para mantener su dieta tradicional y preferida, sino también, para muchos pueblos aborígenes, la procuración de alimentos y la distribución es el medio por el cual los valores sociales son trasmitidos« (Robertson, »The Right to Food – Canadas Broken Covenant«)

Pág. 8-9: El proyecto de la Bahía de James amenaza el medio ambiente y pone en peligro la sobrevivencia del pueblo Cree. Foto: Luis Eguren.

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Los Demandantes han ya sufrido la contaminación mercurial y la pérdida de la pesca como una importante consecuencia económica, cultural y espiritual como resultado de James Bay I, James Bay II, y particularmente la construcción del propuesto complejo NBR, va a agravar significativamente este daño.

2. La destrucción de las áreas de caza y pesca, y de las líneas de trampas. El embalse de vastas áreas, la diversión de algunos ríos y la canalización de muchos otros está cambiando la forma del medio ambiente de James Bay, en el cual los Demandantes cazan, pescan y operan sus líneas de trampas. Los efectos de la imposición a gran escala de actividades industriales modernas ha tenido (y tendrá un adicional) efecto negativo sobre la fauna de la cual depende la supervivencia de los Demandantes como pueblo.

La alteración o destrucción de los medios tradicionales de vida de subsistencia y otros usos de las tierras y el agua, tendrá, así como la destrucción de la pesca, efectos devastantes sobre la salud, nutrición, bienestar social y espiritual de los Demandantes.

3. Reasentamiento. La Construcción del Complejo La Grande-James Bay I resultó en la reubicación de una comunidad entera, ahora conocida como los *chisaibi*, una de las comunidades nativas orientadas hacia la subsistencia, mayores del norte de Canadá. El proyecto tal como lo conocemos, no podría haber sido posible sin esta reubicación.

La reubicación de esta comunidad de más de 2.000 personas implicó, y continúa causando, una considerable tensión social y cultural. Los cazadores, pescadores, y otros han sido severamente afectados por la reubicación y las dificultades que impone sobre sus actividades de subsistencia.

La comunidad como un todo, está luchando contra la grave tensión de la reubicación, agregada a los otros efectos de James Bay sobre su total estilo de vida.

»Yo estuve allí durante el fin de semana. Un joven trató de suicidarse. Una chica tomó una sobredosis de píldoras. Un hombre joven fue encontrado sin conciencia en la orilla del río, la mitad del cuerpo en el agua. Tres adolescentes se metieron con un camión en el agua y tuvieron que ser llevados al hospital. Una mujer que había sido severamente maltratada en una pelea de borrachos en una casa cercana, vino y pidió ser conducida a su casa. Los contrabandistas circulaban por el pueblo vendiendo cerveza desde sus camiones. El fin de semana posterior, luego de mi partida, hubo cuatro intentos más de suicidio... Esta es la vida cotidiana en el pueblo modelo, bajo el Acuerdo modelo, en una provincia orgullosa de su éxito en empujar la frontera hacia el norte« (Richardson, B., »Life in the model village«)

(Esto contrasta fuertemente con la visión oficial del Acusado Hydro-Quebec:

...Hay que mirar más allá del aspecto de ingeniería para ver nuestro respeto por el medio ambiente y la fauna y los esfuerzos hechos para brindar a los pueblos nativos autonomía, servicios de salud, servicios sociales y educación. Nuestras actividades en cada una de estas áreas merecen alabanza y admiración. (Picard, A., »Crees, Quebec in power struggle over massive James Bay Project«)

Los grupos individuales enfrentan ahora dificultades particulares como resultado de la reubicación y los cambios de temperaturas y corrientes de los ríos y aguas. En el caso de los cazadores de la costa norte, el río La Grande ahora permanece abierto e incruzable en vez de helarse, y el hielo costero es peligroso e impredecible. Ahora tienen que hacer un largo y difícil viaje por caminos -construidos como una medida mitigante por Hydro-Quebec- que tendrá serios efectos a largo plazo sobre la tenencia de la tierra y la organización social.

4. Destrucción del patrimonio arqueológico y espiritual. Los proyectos hidroeléctricos de la escala de James Bay han destruido numerosos sitios culturales y cementerios sagrados de gran significación para los Demandantes. Los ríos importantes, valles y vías acuáticas han sido rutas de viaje para los cree durante milenios, y sus inundaciones han causado y causarán a los Demandantes serios perjuicios culturales y espirituales.

5. Perjuicio de las obligaciones de los Demandantes con respecto al medio ambiente. La imposición de enormes proyectos hidroeléctricos en las tierras tradicionales de los Demandantes, perjudica o impide las obligaciones naturales, legales y espirituales de los Demandantes, de administrar y proteger el medio ambiente:

La tierra y los ríos, dónde los pueblos cree cazan y pescan, son un jardín, un regalo del Creador. Tienen que ser tratados con amor y respeto para asegurar que su espíritu viva eternamente.

John Petagumskum, Anciano

6. Efectos negativos sobre el acceso a las tierras de los Demandantes. La construcción de James Bay I trajo una afluencia a corto plazo de miles de no-nativos sureños a las tierras de los Demandantes, causando problemas sociales y de otro tipo durante la duración de la construcción del Proyecto (todavía en marcha). Este ciclo volverá a ocurrir con la construcción de James Bay II.

La construcción de la infraestructura de James Bay II, incluyendo miles de quilómetros de caminos vinculando las tierras de los Demandantes con el sur, facilitará el acceso indeseado y no autorizado a las tierras cree, y las abrirán a un turismo incontrolable y a la caza no-nativa.

7. La transformación de la sociedad y economía cree. La construcción del proyecto hidroeléctrico La Grande-James Bay I, ha causado rápidos y profundos cambios institucionales, económicos y culturales – cambios que en sí mismos se han constituido en una importante fuente de inestabilidad e inseguridad. Lo que se refiere como una »economía tradicional« está ahora inmersa en una maraña de transferencias de pagos y obligaciones institucionales que causan dependencia y una mayor destrucción del estilo de vida de los Demandantes.

Los Acusados han adoptado esta última vía en respuesta a la situación que ellos mismos han creado con James Bay Fase I e intentan agravar con James Bay Fase II. El Proyecto ha traído desintegración y pérdida de la autonomía y autosuficiencia que los Demandantes han desarrollado durante miles de años. Los Demandantes no aceptan que este proceso de destrucción de su estilo de vida sea inevitablemente completado o sea permanente.

C. El Proyecto tendrá efectos importantes indirectos, o más amplios, tanto en Quebec y el subcontinente. La conservación de la energía se ha transformado en un imperativo ambiental global. El Proyecto James Bay tipifica y perpetúa un encare centralizado, a gran escala, de generación de electricidad para encarar, e incluso alentar, el crecimiento y el consumo ilimitado.

El Proyecto causará grandes y más amplios efectos ambientales indirectos al brindar electricidad artificialmente accesible y »barata«. La parte Acusada, Quebec e Hydro-Quebec, promueven el uso de electricidad para calefacción y procesos industriales; para la industria del aluminio (4WG; 32Twh para el 2000); y para exportar a los EEUU (3,5GW; 20 Twh para el 2000).

Estas políticas tienen impactos concomitantes de sobreproducción y consumo, y desvía programas de administración (DSM) urgentemente requeridos en Canadá y los EEUU. Las partes Acusadas, Quebec e Hydro-Quebec proveen electricidad a una fracción de su precio de producción para la industria de fundición del aluminio (sin siquiera tener en cuenta los costos ambientales). La industria de fundición del aluminio de Quebec está exempta de evaluación ambiental.

Disfrazando, o simplemente ignorando, los costos ambientales, económicos y sociales de sus políticas y prácticas con respecto al proyecto James Bay, los Acusados están en contravención de los principios de desarrollo sustentable y equitativo. La parte Acusada Canadá, adoptó la siguiente definición de desarrollo sustentable en el Informe Nacional de Canadá para la Conferencia sobre Medio Ambiente y Desarrollo de la ONU en Brasil, en junio de 1992, con respecto a sus pueblos aborígenes:

Para los pueblos aborígenes del Canadá, el desarrollo sustentable significa un desarrollo planificado que se encuentra dentro de las capacidades de absorción de los ecosistemas afectados, que salvaguarda las culturas de los pueblos aborígenes, y respeta sus derechos, valores y prioridades. También debe ser equitativo, lo cual significa que debe lograr una medida adecuada de justicia social a través de la participación directa de los pueblos aborígenes en todos los estadios del proceso de planificación, incluyendo evaluaciones de efectos sociales y ambientales y control, y asegurando que los beneficios lleguen a estos pueblos de una manera aceptable para ellos. (Water Watch, julio-agosto, 1990)

Los actuales planes de desarrollo de Hydro-Quebec (que requieren inversiones/deudas de C$45.400 millones de dólares actuales sobre 10 años) añadirá, durante los próximos 15 años, 15GW de capacidad instalada y 66TWh de energía anual a la capacidad existente de Quebec de unos 26GW y 130 TWh. Alrededor del 85% de la capacidad y del 94% de la energía provendrá de James Bay.

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El Proyecto Narmada :

La mayor tragedia ambiental y humana planeada de India

El problema

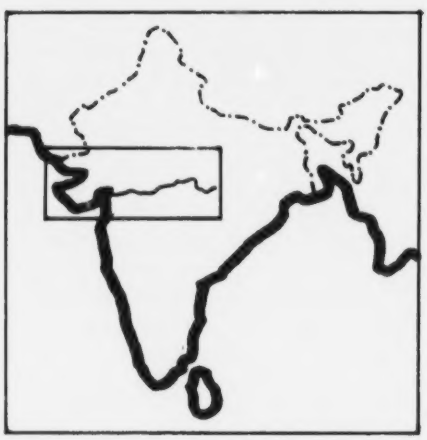
El Plan de Desarrollo del Valle de Narmada incluye dos grandes represas, »Narmada Sagar« en el estado indio de Madya Pradesh y »Sardar Sarovar« en el estado de Gujarat. Estas represas llevarán a la mayor tragedia ambiental y social. El trabajo en estas dos represas empezó incluso antes de que el permiso oficial fuera dado por el gobierno central de India.

Pero el movimiento popular contra el proyecto ha crecido ya, particularmente durante los últimos tres años. A pesar de la protesta de los pueblos afectados directamente por las represas y a pesar de la oposición de numerosas personas, y grupos de ambientalistas y de derechos humanos, tanto en India como en el extranjero, el gobierno de la India continúa con el trabajo en las represas.

El Banco Mundial, el principal soporte financiero internacional de estos proyectos, ha rechazado retirar su ayuda, incluso ante la creciente oposición global, la cual apareció debido a las probabilidades de impacto social y ecológico.

Las dos represas juntas desplazarán más de 300.000 personas, que viven en 500 pueblos, e inundarán más de 130.000 hectáreas de tierra, incluyendo cerca de 56.000 hectáreas de buena tierra para la agricultura y casi un área igual de bosques.

El rio Narmada tiene su origen en las colinas de Armarkantak, al este de Madya Pradesh, acrecentado por aguas de 41 afluentes y desemboca 1.300 kilómetros más abajo en el mar de Arabia. Sus aguas pasan por los estados de Madya Pradesh, Maharashtra y Gujarat. La distribución y uso de sus aguas, se convirtieron en objeto de disputa interestatal. Finalmente, para resolver las disputas, el gobierno central fundó el Tribunal de Disputa de las Aguas del Narmada, en 1979. Después de muchas deliberaciones y disputas, el número de proyectos alcanzó un número de más de 3.000, incluyendo 30 grandes represas, llevando mas de 100 años su construcción.



Valle de Narmada. India

Para la población hindú, el río Narmada es considerado como el más sagrado.

Al tiempo que avanzaba el trabajo de construcción, también lo hacía el movimiento popular contra las represas. Durante los últimos tres años, han sido organizadas numerosas reuniones de protesta, mitines, huelgas de hambre, bloqueo de carreteras, y manifestaciones ante las asambleas del estado y campañas de recogida de firmas.

La agitación está creciendo enérgicamente, en particular entre los expulsados de la represa de Sardar Sarovar. Más de 15.000 expulsados, incluyendo tribales, se reunieron cerca de la represa, situada en Gujarat para protestar contra el proyecto, el 22 de febrero de 1989. Y más de 60.000 personas del valle de Narmada y de otras zonas del país, se reunieron en un mitin nacional el 28 de septiembre de 1990, en el pueblo de Harsund, en el área de inundación de Narmada Sagar.

A pesar de estas protestas y de la oposición de muchas personas importantes (incluyendo científicos, escritores, ambientalistas y jueces) los intereses creados son tan poderosos, que el gobierno está obligado a continuar con el proyecto.

Costos de las Represas del Narmada

Los probables costos sociales y ambientales del proyecto Narmada, serán mucho mayores, que los proyectados beneficios irrigadores y energéticos -particularmente en relación con el sufrimiento humano y la degradación ambiental.

Impacto social de las Represas

Las dos grandes represas causarán un enorme sufrimiento a gran número de los pueblos locales, incluyendo los tribales. De una manera directa debido a la inundación de sus tierras y sus poblados ó indirectamente por la pérdida de bosques.

La presa Narmada Sagar afectará las vidas de más de 200.000 personas en 254 poblados, mientras que la presa Sardat Sarovar desplazará cerca de 100.000 personas, la mayoría tribales, que viven en 245 poblados. La mayoría de los desplazados pertenecen a Madya Pradesh. Un gran número de estos 300.000 desplazados pertenecen a comunidades tribales o a las clases más desfavorecidas. Tienen poca experiencia y pocos

medios para vivir en otras áreas y mantenerse unidos en sus estructuras sociales tradicionales.

Está oficialmente admitido por los gobiernos estatales afectados, que ellos no tienen tierras para indemnización de los expulsados. La compensación económica recibida por muchos de los expulsados no les posibilitará la compra de nueva tierra, por una simple razón, de que ó bien, no hay disponibilidad de tierras ó es demasiado cara y además los expulsados no tienen experiencia de negociar tan grandes cantidades de dinero. Los trabajadores sin tierra no recibirán compensación monetaria, no encontrarán trabajo en los nuevos lugares, donde ya hay más de los que se necesitan.

No hay un sólo ejemplo donde los pueblos hallan sido indemnizados apropiadamente. Todos los años en India, un millón de personas son expulsadas de sus tierras y hogares por numerosos proyectos en nombre del desarrollo y del »interés nacional«, y la mayoría de estos desplazados son degradados a la miseria. Emigran a las grandes ciudades en busca de trabajo y muchos, incapaces de encontrar trabajo, se convierten en vagabundos, pasan hambre y mueren.

¿Quién tiene el derecho de desarraigar las vidas de tan gran número de personas y de destruir sus recursos naturales, sus hogares, sus bases emocionales y su patrimonio?

Mucho ha sido escrito sobre esto por APA PANT (anterior Alto Comisionado Hindú en el Reino Unido) en el libro »La supervivencia del individuo«.

Impacto ambiental de las Represas

La represa de Narmada Sagar inundará 40.332 hectáreas de bosque del cual todavía una gran parte es primigenio, y en el lago Sardar Sarovar, otras 13.744 hectáreas de bosque desaparecerán, que junto con la cantidad anterior hace un total de cerca de 54.000 hectáreas de pérdida de buen bosque.

Esto dará lugar a una mayor presión en las zonas de bosques vecinos, ya que la población local tendrá que cubrir sus necesidades de forraje, comida, combustible y madera en esas zonas. Además los expulsados ocuparán los bosques vecinos para cubrir sus necesidades de tierra cultivable. Esto significa la destrucción de 50.000 hectáreas más de bosque.

El bosque en la zona de inundación es rico en flora y fauna tropical. Aparte de la destrucción de los habitats y ejemplares de una variedad valiosa de árboles arbustos, y especies de hierbas, así como de animales, las represas contribuirán particularmente a la erradicación de numerosas especies endémicas raras. Debe ser recordado que estas represas no son el único peligro de las especies de plantas y animales, sino un gran añadido al gran número de amenazas y destrucciones que ya han ocurrido y que es seguro que ocurrirán en el subcontinente - particularmente a través del tamaño de la zona afectada.

Como no es posible indemnizar a la gente, es todavía menos posible compensar por la perdida de bosque por inundación. Aparte del hecho de que no hay tierra no forestal disponible, es imposible el recrear bosques naturales.

Tampoco será posible relocalizar fauna salvaje debido a que no hay »corredores« disponibles, que posibiliten a los animales emigrar a bosques contiguos – aparte del hecho de que estos bosques están ya enteramente poblados con su composición inherente de especies e individuos. Así que esta farsa de la reforestación compensatoria es obvia.

Muy probablemente el agua canalizada no alcanzará la mayor parte de las áreas en Saurashtra y Kutch como alegaban las autoridades del proyecto. Como mínimo el 40% del área de dominio de las represas será afectada por el anegamiento y la salinización, debido a la introducción de irrigación por canales a gran escala y alta evaporación. Finalmente esto llevará a una pérdida de la fertilidad de las tierras en estas zonas. Los canales de irrigación serán la causa, probablemente, de diversas enfermedades propagadas por el agua.

Impacto cultural de las Represas

La inundación de algunos lugares históricos y prehistóricos, destruirán para siempre la evidencia de historia y civilización en el valle de Narmada, durante diferentes períodos del pasado hindú. Esto no puede ser evaluado ni compensado en términos de dinero. Cualquier templo o lugar sagrado tiene su propia posición espiritual y natural en el paisaje, y por esta razón no puede ser tan fácilmente reemplazado.

Durante los miles de años de historia, cientos de pequeños y grandes templos, y lugares espirituales han sido construidos en las riberas del río Narmada. Para los indios religiosos y espirituales, el »Parikrama« o »Pradakshina«, la peregrinación a estos sagrados y espirituales lugares suelen ser una oportunidad de experimentar las bellezas de la naturaleza en primavera y las profundidades de su propio ser interno. Muchos de estos lugares se perderán para siempre, porque incluso aunque se relocalizaran en otro lugar no podrán satisfacer las demandas de eficacia espiritual. La cultura y la psique hindú deberá sufrir otra perdida – después de que tantos elementos del patrimonio hindú han sido ya sacrificados.

Acusaciones

En nombre del movimiento popular en contra del proyecto, el Sr. Ramesh Billorey y el Narmada Bachao Andolan, ambos de la India, acusan al Secretario General, Gobierno de la India, Nueva Delhi, y al Sr. Lewis Preston, Presidente del Banco Mundial, Washington, de haber causado, con conocimiento, la tragedia anteriormente descrita en el valle de Narmada. Las acusaciones en detalle son las siguientes:

- El permiso para ambas represas en el valle de Narmada fue dado sin los estudios esenciales sobre diversos aspectos ambientales y sociales, los cuales no han sido terminados hasta hoy;
- Los acusados han tomado insuficientemente en consideración los efectos negativos, y continúan la construcción, en contra de la presión nacional e internacional para abandonar el proyecto;
- Muchos sitios y monumentos espirituales, religiosos e históricos, incluyendo templos de 1.000 años de antigüedad y diversos lugares prehistóricos, serán sacrificados por un proyecto que no existirá más de 100 años.

Texto de »Propuesta de Caso, el proyecto Narmada« según Rames Billorey, con algunas adiciones, 1991 y 1992.

Este caso no fue seleccionado para ser presentado en forma oficial frente al jurado.

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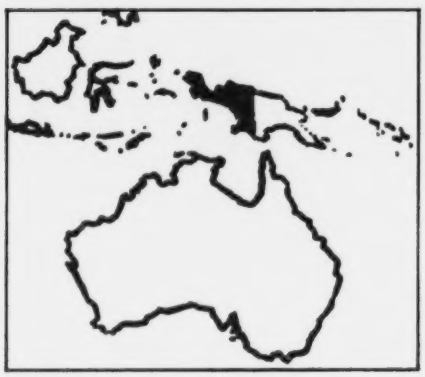
Tribunal del Agua

La agresión de Freeport al futuro de los pueblos Papúes

Bajo el plan quinquenal, que comenzó en 1989, Indonesia oriental se ha convertido en el nuevo centro de los esfuerzos desarrollistas de Yakarta. Mientras que la deuda externa presiona fuertemente en el presupuesto del gobierno y los ingresos de la exportación de petróleo están bajando, Yakarta está atrayendo inversores extranjeros a la región para establecer industrias extractivas de fuerte capital. Aunque el »desarrollo« es el objetivo aclamado de esta política, el gobierno indonesio parece, en efecto, estar principalmente interesado en explotar la riqueza mineral de la región, que aparte de Papua Occidental, consiste de Maluku, Sulawesi, Nusa Tenggaru (incluyendo Timor Oriental).

También la compañía minera estadounidense, Freeport-McMoran se ha beneficiado de la súbita escasez de dinero del gobierno de Indonesia. Freeport explota una mina en las montañas de Papua Occidental desde 1967. En ese entonces la mina de cobre Freeport constituía la primera inversión extranjera bajo el »Nuevo Orden« de Suharto. En 1991, el Presidente Suharto firmó un nuevo contrato con Freeport Indonesia Inc., la subsidiaria indonesia de la compañía, responsable de las actividades mineras. El contrato ha dejado lugar para un programa de inversión adicional de $500 millones en la concesión minera de Freeport en Papua Occidental. La compañía ha aumentado su área de concesión en 25.000 km^2 y pretende duplicar la producción de cobre y triplicar la de oro en los próximos años.

Las actividades mineras de Freeport son presentadas al mundo como un logro milagroso, y tanto el gobierno indonesio como Freeport se enorgullecen de los beneficios que aporta a Papua Occidental. »Estamos lanzando la lanza del progreso en el corazón de Irian Jaya« declaró recientemente James Moffet, director ejecutivo y presidente de la Freeport-McMoran.



Papua Occidental

Tales alegatos, sin embargo, son altamente cuestionables, si no falsos. La mina aporta poco beneficio a Papua Occidental o a los pueblos *amungme*, la tribu *papú* en cuyo territorio la compañía lleva adelante sus operaciones. Además, hay considerables razones de preocupación sobre las consecuencias ambientales de las actividades de la Freeport. La mina arroja sus desechos en el sistema fluvial de los ríos Aghawagong-Otomona-Ajikwa. Muchos pueblos dependen del agua de estos ríos para su subsistencia. Es más, este sistema fluvial constituye el núcleo de la llamada Reserva Nacional Lorenz, la cual, desde un punto de vista ecológico es una de las áreas más sensibles del mundo.

Aunque el nuevo contrato entre Freeport y el gobierno indonesio brindará beneficios sustanciales al tesoro nacional, aporta poco beneficio a Papua Occidental y sus poblaciones indígenas. Al contrario, amenaza seriamente sus esperanzas de un futuro mejor. A continuación resumimos las principales razones de preocupación.

La mina

Las operaciones de Freeport Indonesia Inc. están localizadas en las accidentadas tierras altas de la cadena montañosa de Sudirman. El más alto pico de esta cadena es Gunung Jaya (5.050 mt.). Es uno de los muy pocos lugares de zonas tropicales que están permanentemente cubiertos de nieve. Es el territorio del pueblo amungme, una tribu papú que tiene sus poblados tanto en las tierras altas como en las tierras fluviales bajas en el sur.

Las operaciones actuales de la compañía se centran en dos montañas, llamadas (en holandés) Ertsberg y Grasberg. El proyecto inicial fue en Ertsberg, que los pueblos locales amungme llaman Jelsegel-Ongopsepel. La mina abierta de Ertsberg está situada a una altura de casi 3.600 mt. Está ubicada en el borde de un alto valle glacial, más de 120 km. tierra adentro de la costa sur de la isla, y casi a un día de viaje por carretera y barcaza de río, de las costas pantanosas del mar de Arafura. La fuente más cercana de abastecimientos está a más de 1.600 km. en Cairns, Australia. Yakarta, donde se toman las decisiones administrativas del país, está aún más lejos.

El cobre en esta área fue recién descubierto en 1936 por el geólogo holandés J. Dozy, quien estaba en una misión de exploración de petróleo para la Shell Oil. Una compañía minera tras otra descartaron la viabilidad comercial del lugar a causa de su aislamiento: se requería una marcha de 3 semanas en la jungla y una trepada vertical de una milla para llegar al Ertsberg. Finalmente, el avance de la tecnología de helicópteros en los '60, junto con el alza estratosférica de los precios del cobre en el mercado mundial, dieron a Ertsberg una dimensión comercial.

Esto, junto con el apoderamiento de la administración de Papua Occidental por parte de Indonesia en 1963, persuadió a la Freeport a comenzar las negociaciones con el gobierno indonesio para desarrollar el lugar. Freeport comenzó negociando una autorización de prospección con los indonesios en 1963. El »contrato de trabajo« fue firmado el 7 de abril de 1967, por el cual

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Freeport Indonesia Inc. se convirtió en el único contratista del gobierno para la producción y comercialización de minerales a ser extraídos de la concesión de 100 km², centrada alrededor del Ertsberg.

Más de 5 años de construcción fueron requeridos antes de poder comenzar la producción comercial. A un costo de unos $200 millones (dólares de 1972), tuvo que establecerse la infraestructura. Tuvieron que ser construidos un pueblo completamente nuevo, Tembagapura (=pueblo del cobre) para los trabajadores, así como caminos, un puerto (en Amamapare) y un aeropuerto (en Timika). El mineral es transportado en vagonetas los 1.632 metros que lo separan de la planta de procesamiento. Aquí se separa el concentrado de cobre. Un sistema de conductos de 115 km. arrastran el concentrado de cobre desde la planta hasta Amamapare. Los abastecimientos para la mina que llegan a este puerto deben ser primero transferidos a barcazas porque el área costera es demasiado pantanosa para poder soportar un camino.

La mina comenzó su producción en 1972; en diciembre de ese año, el primer envío de concentrado dejó el puerto de Amamapare. La mina abierta de Ertsberg está ahora agotada y fue clausurada en marzo de 1989. Donde otrora el Jelsegel-Ongopsegel se elevaba varios cientos de metros en el horizonte, queda ahora un inmenso hoyo de 250 mts. de profundidad y 350 mts. de diámetro. La enorme montaña fue demolida y dinamitada, fue transportada en las vagonetas aéreas, procesada en concentrado de cobre, arrastrada a través de los 115 km. de conductos, y exportada al Japón para su fundición.

Durante sus 16 años de producción, Ertsberg produjo unas 32.000 toneladas de mineral. Cada tonelada de mineral contiene unos 45 kg. de concentrado de cobre: aproximadamente 1.45 millones de toneladas. Además Ertsberg produjo unos 220.000 kg. de plata y 14.500 kg. de oro. A pesar de que la mina abierta de Ertsberg fue abolida en 1989, todavía quedan considerables depósitos en el suelo y las paredes de la mina. Serán extraídos alguna vez en el futuro mediante la minería subterránea.

Desde el comienzo, Freeport ha tratado de encontrar suministros adicionales. La exploración extensiva y las excavaciones, pronto revelaron amplios depósitos de cobre en toda la región. Cerca de la mina abierta hay una mina subterránea a una altitud de unos 3.500 a 3.600 mt., Ertsberg Oriental, que comenzó su producción en 1980. La producción de la mina en 1989 promediaba las 23.600 toneladas cúbicas de mineral por día, proveyendo tanto como el 95% del mineral procesado por Freeport.

En 1989 la producción comenzó en otro lugar, la Zona de Mineral Profundo (DOZ) que está verticalmente debajo del depósito mineral de Ertsberg Oriental y apenas sobre el nivel de los 2.980 metros. Dos minas principales están actualmente en desarrollo: la Zona de Mineral Intermedio (IOZ), localizada bajo la mina subterránea del Ertsberg Oriental y el cercano depósito mineral DOM. Aunque los grados de los yacimientos en las nuevas minas subterráneas son un poco menores que las riquezas sin precedentes de la mina abierta de Ertsberg, 2,1% de cobre y más, son todavía altas a niveles mundiales.

Con los yacimientos minerales de Grasberg también en explotación, las perspectivas de Freeport son buenas. Bajo el contrato recientemente firmado, la compañía ahora ha comenzado a explotar a Grasberg, que está aproximadamente 3 km. al oeste de Ertsberg a una altura de 4.270 metros sobre el nivel del mar. La preparación para la producción de Grasberg comenzó a principios de 1990. Basado en sus últimas estimaciones de reservas, la reserva total de mineral de Freeport es de 483.3 millones de toneladas de mineral, de las cuales más de 350 millones de toneladas están en Grasberg. El planeado nivel de extracción es de 20 millones de toneladas por año. La total producción de concentrado se espera que aumente de 270.000 toneladas por año en 1987, a por lo menos 400.000 toneladas en 1990. Para los '90, Freeport espera que su producción aumente hasta 800.000 toneladas por año. Se espera que el mineral contenga cerca de un 42% de cobre y, por tonelada, al menos 186 gr. de plata y 12 gr. de oro.

El saqueo de Papua Occidental

Papua Occidental fue incorporada a Indonesia en 1963. Desde el comienzo, la población indígena ha resistido a la autoridad indonesia ya que las aspiraciones nacionalistas son elevadas entre los papúes. A diferencia de los otros pueblos indonesios, los papúes

son étnica y culturalmente melanesios, y por lo tanto no se consideran indonesios. Indonesia ha reaccionado a la oposición a su autoridad con violencia, opresión y programas de asimilación forzada.

En su política con respecto a Papua Occidental, el gobierno indonesio parece estar motivado, no tanto por el deseo de mejorar el nivel de vida de la población indígena, sino por un deseo de beneficiarse de las vastas áreas y la riqueza de reservas que contiene la región. Durante muchos años la provincia ha sido un área de destinación del programa de transmigración, que debe aliviar a las superpobladas Java y Bali. El programa también sirve a propósitos de »seguridad«; al transferir ciudadanos »leales«, el gobierno espera pacificar el territorio, el cual ha sido un área problemática desde la ocupación indonesia. Pueblos de todas partes del archipiélago amenazan, en el futuro próximo, con superar numéricamente a los indígenas papúes. La población indígena sufre a causa de los programas de transmigración a través de la pérdida de tierras, la discriminación en el mercado laboral, y en el conflicto general de culturas. Para los papúes, el programa de transmigración es una invasión. Su oposición es duramente aplastada por el ejército.

Con el quinto plan quinquenal ya en progreso, el gobierno está rápidamente otorgando concesiones a compañías nacionales y transnacionales para explotar las riquezas del país. A través de esta explotación en gran escala, Papua Occidental contribuye ahora substancialmente a la exportación indonesia. Los principales sectores de exportación de Papua Occidental son los minerales (petróleo, cobre, níquel, oro), los productos marinos (coral, pesca), los productos forestales y plantaciones (palmera sago, aceite de palmera, cacao).

El caso Freeport se ajusta bien a la política general indonesia con respecto a Papua Occidental. Usando las tecnologías más modernas, la compañía está rápidamente saqueando al suelo papú sus recursos. Como una inversora pionera, Freeport disfrutó desde el comienzo de un contrato muy benévolo, sin casi ninguna obligación de apoyar el desarrollo regional o provincial. Bajo el contrato recientemente firmado, Freeport tiene que pagar ahora más por concepto de impuestos corporativos, dividendos y derechos a Indonesia. Poco de ésto, sin embargo, va a beneficiar a Papua Occidental.

Hoy en día, Freeport es la más grande corporación pagadora de impuestos de Indonesia (en 1989 US$ 57 millones). Con la mina Grasberg también en producción, la compañía será uno de los cinco productores de cobre de más bajo costo del mundo. Además de cobre, poseerá la mayor reserva de oro declarada de cualquier mina operante del mundo. De acuerdo al gobernador de Irian Jaya, Barnebas Suebu, sólo el 6% de los pagos de impuestos de Freeport quedan en la provincia.

Tampoco en términos de empleo, la mina Freeport es una mina de oro para los pueblos de Papua. Con 2.000 obreros adicionales traídos para completar la expansión de la mina, la fuerza total de trabajo es de unas 7.500 personas. Menos de 100 de ellos son papúes, la gran mayoría son indonesios de cualquier otra parte. En adición, la mina emplea 100 ciudadanos estadounidenses y europeos y 400 filipinos, los últimos son empleados por su experiencia en minería subterránea. El problema de emplear a gente local, dice el vicepresidente de Freeport, Louis Clinton, es que la operación minera es sofisticada y que muchos puestos »requieren un grado de educación que los papúes todavía no tienen«.

Unas 300 personas de las aldeas de alrededor de la mina están empleados como obreros ocasionales en trabajos menores. Trabajan en el pueblo en trabajos de construcción o como jardineros. Pero en general el pueblo amungme apenas se beneficia de las fuentes de trabajo adicionales creadas por la presencia de la mina. Los extranjeros emplean a veces a empleadas domésticas papúes; generalmente, sin embargo, éstas vienen de otras partes de Papua Occidental. Los indonesios traen empleadas domésticas de sus propias familias, o de sus pueblos de origen.

El destino del pueblo amungme

Freeport desarrolla sus actividades en lo que es el territorio de la tribu papú de los amungme. Estos agricultores tradicionales suman unos 13.000 individuos.

El pueblo amungme se considera como los »primeros hombres«, viviendo en armonía con la naturaleza, cultivando la tierra y manejando la selva. Tiene una relación muy cercana y sacralizada con su tierra. La tierra amungme está dividida entre los 85 clanes, e incluye montañas, valles y ríos. Esta división data de muchas generaciones, y todavía hoy están muy conscientes de las fronteras de cada uno, establecidas por sus ancestros. En la cultura amungme, la tierra no puede ser vendida. Sólo existe el concepto del arrendamiento durante un determinado tiempo, luego la tierra retorna al propietario.

En los valles, los amungme practican la agricultura rotativa; una huerta es cultivada durante uno o dos años y luego es dejada en barbecho. En las huertas plantan como base la batata (boniato) y el cassave. Los amungme completan su dieta atrapando y cazando cerdos salvajes, cuscus y otros mamíferos salvajes, perdices salvajes y cassowaris. En las áreas altas, cazan y recogen frutos de pandanus.

La vida de los amungme ha sido seriamente distorsionada desde que Freeport comenzó sus operaciones hace más de 20 años. Perdieron sus derechos de caza, de cultivo de su tierra, de recolección de productos forestales, de caminar libremente entre las aldeas alrededor de Guning Biji, que es la montaña sagrada. Los habitantes de la aldea de Waa, cerca del complejo minero de Tembagapura, fueron los únicos amungme en recibir indemnización, y fue un pago único por los daños directos a sus huertas actuales. Sus tierras tradicionales de caza y recolección han sido tomadas sin ninguna consulta, por no hablar de indemnización.

En junio de 1977, la negación por parte de Freeport de los derechos del pueblo amungme, resultó en una revuelta, la cual fue brutalmente aplastada por el ejército indonesio. La revuelta culminó en sabotaje en contra de Freeport. Ayudados por el Movimiento de Liberación Papú OPM (Organisasi Papua Merdeka), volaron las tuberías de arrastre de cobre. Un puente fue también volado y algunos de los tanques de depósito de petróleo de Freeport fueron destruidos por el fuego. El costo para Freeport fue de US$ 1 millón, el costo para el pueblo amungme fue una barrida masiva del ejército, llamada en código, Operasi Tumpas (»aniquilación«). El ejército destruyó las huertas de los amungme, quemó sus casas e iglesias, y torturó y mató a hombres, mujeres y niños. La OPM cree que miles de personas fueron muertas. Indonesia alega que fueron muchas menos, unas 900. A pesar de un acuerdo sobre compensación con los líderes comunitarios de las aldeas amungme de las cercanías de la mina, han habido continuas quejas de violaciones de derechos territoriales por Freeport. La compañía explotó inteligentemente la ignorancia de la gente con referencia a la ley indonesia en cuestiones de derechos territoriales. Para confiscar tierra y recursos de los pueblos indígenas dentro de las fronteras estatales, Indonesia utiliza una ley, que establece que la »tierra y agua y riquezas naturales allí ubicadas deben ser controladas por el estado como la autoridad más alta, para control de su utilización para el bienestar de todo el pueblo«. También se usa la Ley Agraria, la cual sólo permite derechos de cultivo rotativo a tierras actualmente bajo cultivo.

El pueblo amungme ha experimentado continuos reasentamientos forzados. También en los programas de reasentamiento, Freeport colabora estrechamente con las autoridades indonesias y el ejército. En 1978-79, Freeport se incorporó al Programa BANPRESS (Ayuda Presidencial) para reasentar al pueblo amungme en la nueva aldea de Kampung Harapan Timika (Aldea de la Esperanza Timika). A comienzos de 1984, la compañía donó US$ 200.000 para un programa integrado de reasentamiento del Comando Militar y el gobierno regional.

Bajo el llamado »Programa de Choque de Reasentamiento«, 1.171 personas de los subdistritos de Mimika Timur y Amimuga fueron trasladados, como respuesta a serios disturbios en los alrededores del área de trabajo de Freeport. De 1981 a 1986, Freeport tomó parte en el »Proyecto de Reasentamiento Conjunto« de los gobiernos regionales y BPPT (Agencia para la Evaluación y la Aplicación de Tecnología) preparando la infraestructura a un costo total de US$ 200.000.

El pueblo amungme que está reasentado en las tierras bajas de Mimika, enfrenta muchos problemas. Las condiciones climáticas y el terreno son muy diferentes comparados con la fresca atmósfera húmeda de sus territorios alrededor de Guning Biji. Además del clima, las casas construidas para ellos son generalmente inapropiadas. Muchos no pudieron soportar la situación y trataron de volver a sus territorios tradicionales. Fueron devueltos inmediatamente a las tierras bajas en »jeeps«. En 1977, Amnistía Internacional, informó que la gente que retornaban a sus territorios eran recibidos por el ejército que los encerraba en contenedores de acero. Se informa que 30 hombres fueron encarcelados en la oscuridad total durante tres meses en el medio del emplazamiento de la mina, no muy lejos del glaciar, donde la temperatura nocturna se acerca a cero grado. Muchas peticiones de gente deshauciada fueron enviadas a las autoridades. Una petición fechada el 25 de mayo de 1989 fue publicada por Tapol. Dirigida al gobernador, contiene una serie de quejas: los papúes son tratados como perros que deben escarbar los tachos de basura para sobrevivir. No se les brinda ningún tipo de servicios, ni por el gobierno, ni por la compañía. Tienen grandes deseos de progresar pero no se les da la oportunidad de trabajar o ir a la escuela. En Tembagapura, a los habitantes locales no les está permitido comprar nada en las tiendas. Se sienten tratados como extranjeros en su propia tierra.

En junio de 1989, una epidemia barrió el reasentamiento, matando a 216 niños, más del 20% de la población infantil. La desnutrición parece haber sido la razón de la alta tasa de mortalidad. Los amungme son agricultores por tradición, pero en el reasentamiento tienen que confiar en los escasos abastecimientos de sago y zonas pesqueras pobres. Además, la gente está amenazada por la contaminación de óxido metálico del río Otomana. Un doctor indonesio que trabaja en el centro de salud de Timika comenzó a observar una creciente frecuencia de decoloración de las encías de sus pacientes, normalmente un signo de envenenamiento de cobre o mercurio. Justo cuando estaba por proseguir con sus investigaciones fue transferido a la capital provincial y se le prohibió por sus superiores, de proseguir con su estudio.

Las consecuencias ambientales

Como la mayoría de las industrias, la minería cuprífera puede causar grandes daños ambientales. En Indonesia, el desarrollo de la legislación contra la contaminación está todavía en un estadio infantil. Para Freeport esto parece ser una invitación al abuso. Numerosos informes indican que sus actividades causan un gran daño ambiental. La mina arroja sus desechos de rocas en el sistema fluvial Aghawagong-Otomona-Ajikwa. En las tierras bajas, más abajo del emplazamiento minero, viven miles de personas, cuya subsistencia depende en forma crítica de las aguas de estos ríos.

Las operaciones mineras, además, bordean el Parque Nacional Lorentz. La reserva se extiende desde los glaciares ecuatoriales de las más altas montañas del sureste asiático a través de un espectro completo de bosques alpinos, subalpinos, montañosos, de tierras bajas y pantanosos, hasta los manglares costeros del mar de Arafura. El parque es la más grande, más diversa y más rica área protegida de Indonesia.

La ubicación aislada de la mina dificulta a los observadores independientes examinar plenamente el daño que la mina ocasiona al ambiente. Además, la compañía controla rígidamente el acceso a su concesión, haciendo la investigación casi imposible. Los pasajeros en tránsito de las líneas aéreas tienen prohibida la salida del complejo del aeropuerto local por medio de cercas de alambre de púas, puertas dobles y guardias. El lugar mismo está custodiado por 100 efectivos del personal militar indonesio.

En 1990, el Ministro Estatal de Indonesia de Población y Ambiente, convenció a Freeport de encargar a científicos de la universidad de Jayapura hacer un análisis de los impactos ambientales de toda su operación minera. La investigación, sin embargo, estaba ya bajo influencia. Usando los aviones y los laboratorios de la compañía, el equipo pudo recoger ejemplos de agua de los ríos y analizarlos en tiempo récord. Tal como era de prever, la investigación encontró sólo trazas minerales nominales y concluyó que no habían efectos ambientales nocivos. La compañía misma dice que los ejemplos tomados del río cumplen con los estrictos niveles de aguas potables establecidos por la Agencia de Protección Ambiental de los EEUU.

Afortunadamente, la falta de datos investigativos puede ser superada aplicando los resultados de dos minas de cobre y oro en la vecina Papua Nueva Guinea, al caso Freeport. Todas las tres minas operan en ambientes similares y sus procesos de producción son virtualmente los mismos. Una de ellas, la mina Ok Tedi, está localizada en la misma cadena montañosa que la mina Freeport, apenas a través de la frontera, en las vertientes superiores del río Fly. La otra es la bien conocida mina Panguna, en la isla de Bougainville. Esta última ha sido recientemente cerrada bajo la presión de la población local, a gran costo económico y político, tanto para el gobierno de PNG como para los propietarios australianos de la mina.

Usando las cifras de estas dos minas, y aplicándolas al caso Freeport, hicimos una evaluación del probable daño ambiental que la mina causa. Los impactos esperados de la mina Freeport están resumidos en las tablas adjuntas.

Dos importantes problemas ambientales están conectados con la minería cuprífera en general: la cantidad de material minero de desecho, y la generación de agua ácida mineral en este material. En el caso de Ok Tedi y Panguna, sólo el 1% del material explotado consiste de concentrado explotable. El resto, o sea el 99% del material minero es material de desecho y es arrojado en el medio ambiente.

Los depósitos minerales están cubiertos con una capa de tierra con un contenido de metal más bajo. Este material es removido y colocado en el área que rodea el emplazamiento minero. En las operaciones de Freeport en Grasberg, se sabe que un área con rara vegetación alpina (la llamada Pradera Carstentz) será llenada con este material de desecho. Una vez cubierta con la sobrecarga, la restauración de la Pradera Carstentz será prácticamente imposible.

Después de la excavación, el mineral es transportado a la planta de procesamiento. Aquí el mineral se pasa por agua para sepa-

rar el concentrado de cobre del resto del material mineral. Todas las tres minas descargan los sobrantes, que todavía contienen una cantidad sustancial de cobre y otros metales, con las aguas de flotación, en las vertientes superiores de sus respectivos sistemas fluviales. Este material es en gran parte depositado río abajo en el lecho del río o en las llanuras fluviales a lo largo del río. Tanto en Ok Tedi y Panguna cerca del 40% de los sobrantes son depositados en las llanuras fluviales y el 60% en el estuario, en el delta y en el mar. En las sobrecargas y sobrantes pueden ocurrir varios procesos químicos que llevan a la formación de ácidos y metales pesados en forma soluble, que son transportados dentro del ecosistema. La corriente de aguas contaminadas que emanan del material de desecho es llamada drenaje. Tanto en Ok Tedi como en Panguna ha sido demostrado que el agua en sus respectivos sistemas fluviales está severamente contaminada. También en el caso de Freeport el drenaje de los sobrantes afecta la vida de los peces, con severas consecuencias para las actividades pesqueras río abajo de la mina. Además, el agua del río no es potable. El agua ácida es altamente venenosa. También las plantas que crecen en las llanuras fluviales están contaminadas con metales pesados y son venenosas tanto para el ser humano como para los animales. Las llanuras fluviales, por lo tanto, se transforman en no aptas para la producción agrícola.

En el caso de Panguna el drenaje y los sobrantes continúan contaminando las aguas del río con cobre soluble, incluso después de la clausura de la mina. Esta contaminación puede continuar durante años, quizás decenios. Se ha medido una concentración de arsénico en el río de Ok Tedi, que está muy por arriba de los niveles aceptables.

Es posible que también una gran área del estuario esté contaminada. Esta contaminación puede afectar muchas especies de peces y animales acuáticos. Debido a la inaccesibilidad del estuario, es prácticamente imposible sanear esta área una vez que el daño está hecho. Poco se sabe de las consecuencias de la contaminación del mar.

Los impactos ambientales de la mina Freeport son, por lo tanto, serios. La situación es probablemente peor que la de la mina de Ok Tedi y comparable con la mina clausurada de Panguna en Bougainville.

Conclusión

Las minas Freeport traen beneficios sólo al tesoro indonesio, pero no a Papua Occidental y al pueblo amungme. Al contrario, las operaciones mineras son un decidido ataque a los pueblos papúes. Los beneficios desaparecen en Yakarta y en el extranjero, y la mina ha tenido pocas consecuencias en términos de oportunidades de empleo para los pueblos locales. El pueblo amungme ha sido despojado de sus territorios y medios de subsistencia. Además, la mina destruye el ecosistema, dañando por lo tanto, no sólo su presente sino también su futuro.

Su aislamiento geográfico, fortalecido por el control militar, permite a Freeport ser indiferente al efecto de sus operaciones. Parece esencial que se ejerza presión tanto sobre la compañía americana como el gobierno indonesio para permitir estudios de impactos ambientales y sociales genuinamente independientes. El resultado de tales estudios deberían ser públicamente discutidos. Un debate abierto debería conducir a una decisión sobre la continuación de la mina.

El pueblo amungme debe participar en tal discusión. Sólo cuando las comunidades afectadas por el impacto de las operaciones mineras tengan asegurado el derecho de veto sobre los proyectos de Freeport, y cuando tengan pleno acceso a estudios ambientales y sociales independientes como base desde la cual ejercer tal influencia, comenzarán a considerarse las necesidades de los pueblos locales.

Fuentes: Centro de Estudios e Información de los Pueblos Papúes. ❑

Impacto	Severidad	Horizonte espacial	Horizonte temporal
a. Destrucción del ecosistema en el emplazamiento de la mina	Destrucción de ecosistemas raros; impacto en las reservas naturales cercanas	5 km²	>100 años
b. Drenajes de las minas	?	5 km²	15–? años
c. Contaminación del aire	?	?	?
d. Depósitos de sobrantes en los valles fluviales	Destrucción de las tierras agrícolas. La vegetación y las aguas son venenosas	35 km²	35 años
e. Contaminación de las aguas de los ríos	Las corrientes superiores de los ríos son venenosas para el hombre y los peces	20-40 km del alcance fluvial	15–? años
f. Contaminación del estuario y del delta	Contaminación de vastas áreas. Efectos negativos sobre importantes eslabones de la cadena alimenticia	100 km²	>100 años
g. Contaminación del mar	?	?	?

Impactos ambientales de la mina de cobre Grasberg de Freeport en Papua Occidental.

Tribunal del Agua

Brasil: Contaminación de mercurio en el valle de Tapajós

Demandantes: Grupo de Defensa da Amazonia
Acusados: República Federal del Brasil. Gobierno del Estado de Pará

El uso de mercurio en las áreas de minería de oro en el valle de Tapajós esta asociado con diversos impactos ambientales que hoy están amenazando la vida de los habitantes de la región.

Las grandes actividades de extracción de oro dieron lugar a un incremento y uso excesivo de mercurio, como factor de concentración de oro.

Hoy es bastante evidente que la cantidad de mercurio vertida en el río durante 30 años, esta causando enfermedades serias, e incluso muertes.

La política actual del gobierno brasileño hace más para facilitar que para luchar contra esta agresión al medio ambiente. Fueron elaborados varios proyectos ambientales relacionados con el control, fiscalización, y educación, relacionados con el uso de mercurio, tales como »NOSSA NATUREZA« (Gobierno Federal, 1989) y »CAMGA Tapajós« (Gobierno del Estado, 1990). Desgraciadamente, éstos han sido desatendidos por los gobiernos Federal y del Estado, y no han sido puestos en práctica.

La población del río Tapajós, es hoy víctima de las consecuencias de la indiferencia de los gobiernos responsables sobre la solución a este problema.

Hechos

Localización

Los hechos presentados están limitados a una región, si bien debemos tener en cuenta que en Brasil, éste no es un caso aislado, sino que hay simultáneamente muchos casos similares, los cuales varían en mayor o menor importancia.

Aquí presentamos un estudio de la investigación de los hechos, investigación y elementos verdaderos, extraídos de la realidad

Valle de Tapajós

de las áreas *garimpo* de la región del valle de Tapajós.

El sistema fluvial del río Tapajós, esta formado por el río Tapajós y sus afluentes, localizados en la margen sur del río Amazonas en el estado de Pará, pasando por las regiones de Santarem, Aveiro y Itaituba en un recorrido de unos 2.000 kilómetros.

La política de garimpagem

El *garimpagem* (palabra brasileña que significa extracción de oro irracional) en la región de Tapajós no es un hecho reciente, ya que hay datos de extracción manual de oro por parte de los habitantes indígenas de la región, que trabajaban bajo la supervisión de los misioneros jesuitas, durante el siglo XVIII. De todas maneras, la explotación se ha incrementado enormemente desde 1958 en el área de pequeños ríos cercanos a las fuentes, que son llamados río Jamanxim, río Creporizinho, río Pacú, río das Tropas y otros.

El mucho oro descubierto en los nacimientos de los ríos, trajo más y más exploradores, incrementando dramáticamente la difusión del garimpo en esta área. »El extraordinario incremento de garimpos en el río Tapajós, el cual convirtió esta provincia en la mayor y más rica zona de oro de Brasil, con el 60 por ciento del total de la producción de oro de todo el país, tiene conexión directa con el tipo de simbiosis que el desarrollo de la región ha tenido con la aviación« (Fin de la cita: Lestra, A.D., Nardi, J.I.S.:O Ouro na Amazonia Oriental; mito e a realidade, segunda edición, Belem, Gafisa, 1984), es verdad que la década de 1980 fue el período cumbre del garimpo.

Mercurio

El mercurio es un metal pesado que puede ser mezclado con otros elementos metálicos. Por ello es usado para la extracción de oro, con el cual se convierte en amalgama. Para separar el oro del mercurio la amalgama se calienta y el mercurio se evapora. Es usado en forma sólida y líquida.

Brasil no tiene producción de mercurio

Brasil no produce mercurio. El consumo interno de mercurio proviene enteramente de importaciones. CACEX, un organismo relacionado con el Banco de Brasil, responsable de la importación-exportación en Brasil, informa de que México y Holanda encabezan la lista de los países que proveen a Brasil de mercurio. Las importaciones de mercurio en Brasil entre 1972 y 1989 llegaron a 3.121 toneladas.

De acuerdo a uno de los mayores periódicos brasileños, el »Jornal do Brazil« (16 de octubre 1991) de las 337 toneladas importa-

das en 1989, 210 toneladas fueron destinadas a la extracción de oro.

La cantidad de mercurio usado

En primer lugar, es importante resaltar que la región en cuestión, es la zona de mayor actividad de garimpo en todo el país. Esto está probado por datos proporcionados.

La explotación garimpo es llevada a cabo en los nacimientos de los ríos, en este caso en los mayores o menores afluentes del río Tapajós. La grava de los ríos mide por termino medio unos 10 x 10 metros, que producen de 500 a 800 gramos de oro, usando de uno a dos kilos de mercurio (una media de dos gramos de mercurio por uno de oro).

De acuerdo a DNPM (Departamento Nacional de Producción Mineral), órgano relacionado con el Gobierno Federal que atiende la producción aurífera, durante los años 1980-1989, se estima que unas 180 toneladas de mercurio han sido vertidas en el medio ambiente, con las consiguientes secuelas y efectos negativos, contaminando los recursos alimenticios y los ecosistemas de la región.

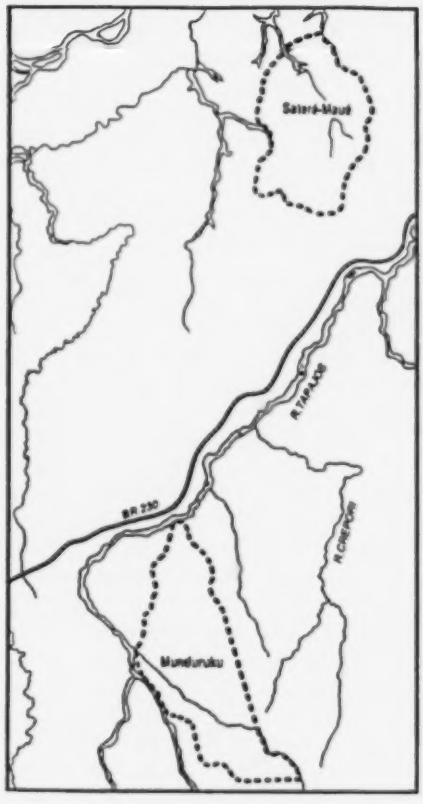
Control Gubernamental del mercurio

Debido al uso indiscriminado del mercurio metálico y la nueva legislación para salvaguardar el medio ambiente, el gobierno federal, por orden del decreto nº 97.634 del 10 de abril de 1989, nombró a IBAMA (Instituto Brasileño del Medio Ambiente y de Recursos Naturales Renovados), como responsable del control del mercurio. Hasta ahora nadie sabe realmente de la eficacia real de esta norma legal, porque el uso del mercurio se ha realizado más allá del control del gobierno, después su entrada legal en el país (sin considerar el de contrabando). El intento de controlar la situación a través de la legislación no significa otra cosa que un discurso vacío.

El medio ambiente

Al final de la década de los 70, con el objetivo de incrementar la producción de oro y de este modo agotar los recursos de la región, el Gran Capital fue invertido en garimpo, a través de procesos de mecanización y diversificación de los accesorios para la extracción del oro. Fue entonces cuando el mercurio empezó a ser usado de forma sistemática y abusiva.

La mecanización significó la introducción de equipamiento pesado, tal como excavadoras, grúas, extractoras de poderosa succión, explosivos, etc., etc. Este proceso ha ampliado el espacio potencial para el garimpo, con las consiguientes transformaciones que conllevaron la tala de grandes extensiones de selva, contaminación de los lechos fluviales, bloqueo del curso natural de los ríos, creación de gran cantidad de barro, y apertura de gran cantidad de cráteres, al tiempo que el garimpo se extendía por la región.



Los pueblos satere-mawe y munduruku son afectados por las actividades mineras auríferas

Características de la región

El gobierno federal a través de la ley nº 882, del 28 de julio de 1983, eligió esta zona como territorio legal para el garimpagem, creando una frontera de 2.874.500 hectáreas. De acuerdo a esta ley, esta zona merece una atención especial de las autoridades públicas, concerniente a un control efectivo y a una infraestructura racional, como está determinado por la ley.

La región tiene una población de unos 800.000 habitantes. Diferenciados de la siguiente manera:

a) Indios: 7.215 habitantes. (Tribus de los pueblos *munduruku, kaiabi* y *satere-mawe*).
b) Pueblos de las comunidades fluviales 196.334 habitantes;
c) Garimpeiros: aproximadamente 150.000 habitantes (de acuerdo a DNPM, en »Folha de Sao Paulo fl. 1-7, 11/XII/ 91 – cerca de 219.000 garimpeiros están en la región amazónica, estando más de la mitad del total en los garimpos de Tapajós (apéndice IX).

La población garimpeira es básicamente emigrante que se establecen en áreas garimpo como alternativa para sobrevivir. Sus comunidades tienen características específicas, tales como: población fluctuante, concentrados en cientos de pequeños núcleos de gran densidad, alrededor de los nacimientos de los ríos. Muchos de ellos retornan a su lugar de origen de acuerdo a la periodicidad de la extracción aurífera (causada por el desbordamiento y sequía de los ríos).

El medio ambiente como un todo está amenazado por la polución de mercurio y los ecosistemas son muy variados a lo largo del río Tapajós:

La fauna y la flora están organizadas en los siguientes sistemas:

- Lechos fluviales: innumerables especies de peces, tortugas, reptiles y mamíferos.
- Selvas inundadas: es una vegetación acuática muy específica, utilizada periódicamente por los peces para su reproducción y por la fauna en general.
- Vegetación selvática: gran diversidad de especies vegetales y animales.
- Vegetación de la savana amazónica: lluvia ligera, especies animales específicas, numerosas especies de plantas medicinales. Algunos de los investigadores creen que este tipo de ecosistema es un resultado de los bosques de las poblaciones indias.

Los recursos básicos de subsistencia de la población local son:

- Caza y Pesca
- Producción de cereal, arroz, judías (legumbres), mandioca, frutas, etc.
- Recolección y extracción de: castanja-do-pará (fruto seco brasileño), cortezas, hierbas y aceites medicinales, frutas tropicales, madera, latex y oro.

Su alimentación básica es pescado y harina de mandioca. El agua es generalmente usada directamente del río sin tratamiento alguno.

Consideraciones breves de naturaleza social, política y económica

En las comunidades de las márgenes de los ríos, la mayoría de los agricultores no tienen la posesión legal de la tierra. No hay conflictos territoriales en la región. La población carece de atención médica en general, ni siquiera un puesto de atención primaria. No tienen ningún tipo de atención odontológica, en sus comunidades ni en lugar cercano a ellas. En general, las escuelas disponibles sólo enseñan hasta el cuarto grado de educación primaria, sin condiciones materiales mínimas. La población tiene muy pocos medios de transporte para la comercialización de sus productos.

Los puntos anteriores tienen una gran influencia en la elección de la población sobre las actividades de garimpagem. Esta es parte de la razón de porqué el garimpagem ha adquirido una importancia económica fundamental para esta región.

Es necesario aclarar que el bienestar producido por la extracción de oro está concentrado dentro de un número pequeño de personas, mayormente grupos del sur de Brasil y compañías mineras que financian económicamente para la construcción de garimpos mecanizados y pagan la fuerza de trabajo.

La calidad de vida de la población no ha cambiado mucho con este desarrollo económico, pero ha sufrido cambios sociales y políticos, tales como desintegración de la vida familiar (como resultado de que algunos de los miembros de la familia vivan del garimpo), un nivel alto de prostitución, incluso de jóvenes menores de edad, violencia organizada en grupos, sin precedentes anteriores, contrabando de armas, drogas.

Las condiciones de trabajo, pueden ser clasificadas como de semi-esclavitud ya que los trabajadores están contratados sin derechos legales, hay una gran incidencia de malaria y de enfermedades venéreas (de acuerdo a SUCAN un órgano del Ministerio de Salud).

Grupos pequeños o individuos mantienen el poder político en un sistema de ventajas personales dentro de la región, como resultado de ésto, las políticas locales no toleran opiniones que sean contrarias, a los deseos de los ricos y poderosos.

El porcentaje de oro sacado de contrabando del país, es muy significativo, dando lugar a pérdidas en términos de recaudación de impuestos y pérdidas relacionadas con posibles inversiones en áreas necesitadas como la Noreste o la Centro-Sur del país. ❑

Nuevo documento IWGIA

CARRETERAS, INDIOS Y AMBIENTE EN LA AMAZONIA
DEL BRASIL CENTRAL AL OCEANO PACIFICO

por Mauro Leonel U$ 13

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Declaración de los pueblos indígenas – tribales de los bosques tropicales, Penang, 1992

Areas de Selva Tropical

1. Nosotros los pueblos indígenas – tribales de los bosques tropicales formulamos esta declaración como respuesta a siglos de usurpación y colonización continua de nuestros territorios y la degradación de nuestros medios de vida y culturas causadas por la destrucción de los bosques de los que depende nuestra sobrevivencia.
2. Declaramos que nosotros somos los pueblos originarios, los dueños legítimos y las culturas que defienden los bosques tropicales del mundo.
3. Nuestro territorio y los bosques son para nosotros más que un recurso económico. Son la vida misma y tienen valor integral y espiritual para nuestras comunidades. Son fundamentales para nuestra supervivencia social, cultural, espiritual, económica y política como pueblos ancestrales.
4. La unidad entre pueblo y territorio es vital, y por tanto debe ser reconocida.
5. Cualquier política de los bosques debe estar basada en el respeto de las diversidades culturales, apoyo a los modos de vida de nuestros pueblos y una aceptación de que hemos desarrollado modos de vida en armonía con su entorno y habitat.

Por tanto afirmamos los siguientes principios, objetivos y demandas siguientes:

Respeto por nuestros derechos

6. Respeto a nuestros derechos humanos, políticos, sociales, económicos y culturales; a la autodeterminación y decidir nuestras propias formas de vida.

7. Respeto de nuestras formas autónomas de gobierno como sistemas políticos diferentes tanto a nivel comunitario como regional y otros. Esto incluye el derecho a controlar todas las actividades económicas en nuestros territorios.
8. Respeto por nuestras normas consuetudinarias y que sean incorporadas en el derecho nacional e internacional.
9. El cumplimiento por los Estados, cuando así lo demandan los Pueblos Indígenas, de los diferentes tratados, acuerdos, convenios, laudos u otras formas de reconocimiento, que han sido firmados en la época colonial e independiente, en relación a nuestros derechos.
10. Alto a la violencia, la esclavitud, el peonaje por deudas y al despojo de nuestros territorios. Disolución de los ejércitos privados y paramilitares y vigencia de la ley y justicia social. Los medios necesarios para utilizar la ley en nuestra propia defensa y la capacitación necesaria para que podamos hacerlo.
11. Aprobación y cumplimiento de la »Declaración Universal de los Derechos de los Pueblos Indígenas« que elabora la ONU y que deberá afirmar y garantizar nuestro derecho a la autodeterminación; y además la creación de un mecanismo y tribunal internacional efectivo que nos proteja contra la violación de nuestros derechos, y garantice la aplicación de los principios enunciados en esta Declaración.
12. No puede haber desarrollo sostenible ni racional de los bosques y de nuestros pueblos sin el respeto a nuestros derechos fundamentales como pueblos.

Territorios

13. Control seguro de nuestros territorios. Entendidos como una totalidad viviente en permanente relación vital entre hombre y naturaleza. Expresados como el derecho a la unidad y continuidad sobre nuestros dominios ancestrales, incluyendo las áreas usurpadas, en reclamo y las que ocupamos; al suelo, subsuelo, aire y aguas, para mantener nuestra autosuficiencia; al área necesaria para las generaciones futuras y el conjunto de lugares sagrados necesarios para nuestro desarrollo cultural y de nuestras generaciones futuras.
14. Reconocimiento, definición y demarcación de nuestros territorios según nuestros sistemas locales y habituales de propiedad y uso.
15. La forma de tenencia de la tierra será decidida por nuestros Pueblos y deberá seguir siendo comunal si no hay decisión en contrario por nuestro pueblo.
16. El derecho exclusivo a usar y a poseer los territorios que ocupamos. Estos territorios deberán ser inalienables, inembargables, imprescriptibles e inejucatables.
17. El derecho a la autodemarcación territorial y que estas áreas sean reconocidas y documentadas oficialmente.
18. Legalizar la tenencia de la tierra a los que viven en el lindero o dentro de los bosques; pero en las áreas que queden disponibles después de garantizar la titulación de los territorios indígenas.
19. Reforma agraria y cambios en los sistemas legales de tenencia de tierras para asegurar los medios de vida de los que habiten fuera de los bosques y territorios indígenas, porque la falta de tierra para ellos supone una mayor presión sobre nuestros territorios y bosques.

Toma de decisiones

20. Control sobre nuestros territorios y los recursos de los que dependemos. Todo aprovechamiento en nuestras áreas solamente puede llevarse a cabo con el consentimiento libre de todo el Pueblo Indígena que esté involucrado o afectado.
21. Reconocimiento de la personería jurídica de nuestras instituciones y organizaciones representativas, que defiendan nuestros derechos, y a través de ellas poder resolver y negociar colectivamente nuestro futuro.
22. Derecho a nuestras propias formas de organización social; así como a elegir, ser elegidos y revocar a las autoridades y funcionarios estatales que actúan en el ámbito de nuestros territorios y jurisdicciones.

Política de desarrollo

23. Derecho a ser informados, consultados y sobre todo a participar en la toma de decisiones sobre legislaciones o políticas; así como también, respeto a la formulación, implementación y evaluación de cualquier proyecto de desarrollo; sean todos éstos a nivel local, nacional e internacional, de carácter estatal o particular, y que puedan afectarnos directa o indirectamente nuestro futuro.
24. Cualquier iniciativa de desarrollo importante, debe contar con el requisito de un estudio sobre el impacto social, cultural y ambiental que pueda tener; y también la previa consulta a los Pueblos Indígenas y la población local. Todos estos estudios y proyectos mismos deben estar abiertos en su integridad, al debate público y en especial de los pueblos indígenas involucrados.
25. Cuando alguna agencia nacional o internacional propone financiar algún proyecto de desarrollo que pueda afectarnos, exigimos que se constituya una comisión tripartita que comprenda la agencia, representantes gubernamentales y nuestros Pueblos representados por nuestras organizaciones representativas, a fin de llevar a cabo los planes, la implementación, el control y la evaluación de los proyectos.
26. Cancelación de toda concesión minera en nuestros territorios impuesta sin el consentimiento de nuestras organizaciones representativas. Las políticas mineras deben priorizar y promover la extracción a cargo de los Pueblos Indígenas para garantizar su manejo racional y en equilibrio con la naturaleza. En el caso de operaciones sobre minerales estratégicos (hidrocarburos y radioactivos) en nuestros territorios, los Pueblos Indígenas debemos participar en las tomas de decisiones sobre su planificación y ejecución.
27. Fin a los programas de desarrollo inconsultos y los incentivos o subsidios fiscales otorgados, que atentan contra la integridad de nuestros bosques y territorios.
28. Fin a todos los programas que obligan a nuestros pueblos a dejar los bosques y asentarnos lejos de nuestros lugares de origen.
29. Reorientar el proceso del desarrollo, para que en lugar de proyectos de gran envergadura, se fomenten las iniciativas locales desarrolladas por los pueblos indígenas. La propiedad de esas iniciativas es garantizar nuestro control sobre nuestros territorios y recursos, en las cuales se basa nuestra sobrevivencia. Esta es la clave estratégica de todo futuro desarrollo en la selva.
30. Los problemas generados por las mafias criminales que manipulan el tráfico de productos de las plantas como coca o amapola dentro de nuestros territorios; deben ser afrontados con políticas adecuadas que incluyan la participación de los Pueblos Indígenas en la toma de decisiones.
31. Fomento de los sistemas de salud de los pueblos indígenas, que incluyen la revaloración de la medicina tradicional y también la promoción de los programas de medicina moderna y de atención pri-

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Familia pigmea del pueblo **efe** *descansa durante una caminata en la selva* **Hu**. *Foto: Espen Wæhle.*

maria de salud. Dichos programas deben promover el control de la población indígena facilitándoles el debido entrenamiento.

32. Establecimiento de los sistemas de educación bilingüe e inter-cultural. Estos deben revalorizar nuestras creencias, tradiciones religiosas, costumbres y conocimientos; permitir nuestro control de dichos programas, dando capacitación de acuerdo a la realidad cultural; y producir así el desarrollo técnico científico de los Pueblos Indígenas dentro del marco de nuestras cosmovisiones y en aporte a la sociedad mundial.
33. Fomento de políticas financieras alternativas que permitan activar nuestras economías comunitarias y además establecer mecanismos para lograr precios justos a los productos de nuestros bosques.
34. Nuestra política de desarrollo se fundamenta en garantizar primero la autosuficiencia y bienestar material de los Pueblos Indígenas y demás poblaciones locales; así como el pleno desarrollo cultural y social, basado en valores de equidad, justicia, solidaridad y reciprocidad, y en relación de equilibrio con la naturaleza. Posteriormente, la generación de excedentes debe orientarse según el aprovechamiento racional y creativo de los recursos naturales, y a nivel tecnológico, desarrollando nuestras propias alternativas tradicionales y seleccionando los adelantos modernos apropiados.

Política Forestal

35. Detener toda nueva concesión maderera y suspender las existentes, que afectan nuestros territorios ancestrales. La depredación forestal debe considerarse un crimen a la humanidad y detenerse sus efectos antisociales como son: carreteras que destruyen zonas indígenas dedicadas a cultivos, cementerios y cacería; la destrucción de áreas usadas para medicinas y utensilios; la erosión y compresión del suelo; la contaminación del habitat; la corrupción y la economía de enclave que genera la madera; y el fomento de la colonización e invasiones de nuestros territorios.
36. Las concesiones madereras colindantes con nuestros territorios o que influyan en su habitat deberán cumplir las condiciones de operación – ecológicas, laborales, sociales, de transporte, salud, etc.- señaladas por los pueblos indígenas; y éstos participarán en la vigilancia del cumplimiento de las mismas. La extracción de madera debe prohibirse en bosques seriamente degradados.
37. La protección de los bosques naturales existentes, debe tener prioridad respecto de la reforestación.
38. Fomento de los programas de reforestación en tierras degradadas, priorizando la regeneración de bosques nativos, incluyendo la recuperación de todas las funciones y elementos de los bosques tropicales; en lugar de restringirse a los usos maderables.
39. Control de los programas de reforestación ubicados en nuestros territorios, lo

que incluye la selección de especies de acuerdo con nuestras necesidades.

Biodiversidad y conservación

40. Respeto de nuestros derechos a la propiedad intelectual y cultural colectiva de nuestros pueblos, a los recursos genéticos, bancos de germoplasma, biotecnología y conocimientos en los programas sobre biodiversidad; lo que incluye nuestra participación a nivel directivo en cualquier proyecto al respecto en nuestros territorios, así como al control de los beneficios que de ellos se deriven.
41. Los programas de conservación deben respetar nuestros derechos al uso y propiedad de los territorios y los recursos naturales de los que dependemos. Ningún programa para conservar la biodiversidad debe ser promovido en nuestros territorios sin nuestro consentimiento libre e informado, a través de nuestras organizaciones representativas.
42. La mejor garantía de la conservación de la biodiversidad es que sus promotores aseguren nuestros derechos al uso, administración, manejo y control de nuestros territorios. Afirmamos que se debe dar la custodia de los diferentes ecosistemas a los Pueblos Indígenas, dado que en ellos hemos morado desde hace miles de años y nuestra sobrevivencia depende de ellos.
43. Las políticas y formas jurídicas del derecho ambiental deben reconocer a los territorios indígenas, como efectivas »áreas protegidas«, priorizando por tanto su consolidación legal como territorios indígenas.

Propiedad intelectual

44. Valorizamos nuestras tecnologías tradicionales, e interpretamos que nuestras biotecnologías pueden efectuar grandes aportes a la humanidad, incluidos los »países desarrollados«, y por lo tanto requerimos que se garanticen nuestros derechos a la propiedad intelectual, profundización, y manejo de dichos conocimientos.

Investigaciones

45. Cualquier investigación que se lleve a cabo en nuestros territorios, debe contar con nuestro consentimiento y dirección conjunta; e incluir en ellas, las acciones de capacitación, difusión y soporte organizativo que sean necesarias para alcanzar dicho control indígena.

Instituciones

46. La comunidad internacional y en particular el sistema de las Naciones Unidas, debe reconocernos como Pueblos Indígenas, distintos de otras formas institucionales como los movimientos sociales, organizaciones no gubernamentales y sectores independientes; y respetar nuestro derecho de participación en condiciones equitativas y a niveles directivos, como Pueblos Indígenas, en cualquier instancia, mecanismo, proceso o canal financiero; con el objetivo de promover y garantizar el futuro de los bosques tropicales.

Divulgación

47. Desarrollo de programas de divulgación para educar al público sobre los derechos de nuestros pueblos y sobre los principios, objetivos y demandas de esta Declaración; para lo cual, exhortamos a la comunidad internacional para el respaldo necesario.

Los pueblos indígenas usaremos esta Declaración como base para promover nuestras estrategias locales de acción.

La Carta y la Resolución fueron firmadas y aprobadas por:

Vicente Pessoa, Confederación Indígena del Oriente de Bolivia
Freddy Mathew Sitau, Sahabat Alam Malasia (Sarawak)
Bah Tony Williams-Hunt, Centre for Orang Asli Concerns, Malasia
Jok Jau Evong, Uma Bawang Resident's Association, Sarawak, Malasia
Bonarge Pacheco, Congreso Embera, Panamá
Jose Dualok Rojas, Asociación Cultural Sejekto, Costa Rica
Wan Kang, Sarawak Penan Association, Malasia
Montree Chantawong, Project for Ecological Recovery, Tailandia
Raajen Singh, Asia Indigenous Peoples Pact
Luingam Luithui, Naga Peoples Movement for Human Rights, India
Marylyn Quierrez, KAMP – National Federation of the Indigenous Peoples of the Philippines
Valerio Grefa, COICA – Coordinadora Indígena de la Cuenca Amazónica
Emerita T. Marrero, Cordillera Peoples Alliance, Philippines
Viktor Kaisiepo, West Papua Peoples Front
Ariel Araújo, Centro Mocovi 'Ialek Lava'a, Argentina
Javier Armato, Asociación Civil Indígena de Pueblos Yukpa, Venezuela
Thomas Jalong, Sahabat Alam Malaysia (Sarawak)
Francois Munyeshuli, Association for Promotion of Batwa, Rwanda
Antonius Napitupulu, Association of Siberut People, Indonesia
Felix Tiouka, Association des Amerindiens de Guyane Française, Francia
Raymond Abin, Sahabat Alam Malaysia (Sarawak)
Roberto Espinosa, COICA – Coordinadora Indígena de la Cuenca Amazónica (Asesor)
Daniel Cabixi, Comité Intertribal: 500 Años de Resistencia, Brasil
Jeoffrey Tating, Sahabat Alam Malaysia (Sabah)
Edward Nyipa, Sahabat Alam Malaysia (Sarawak)
Maximiliano Ferrer, Congreso Kuna, Panamá
Bardie Sawai, SPATF/NANGO, Papua Nueva Guinea
Penny Atkinson, Amerindian Peoples Association, Guyana

Penang, Malasia
15 de febrero de 1992

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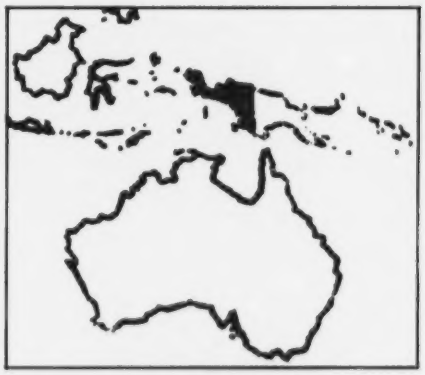
Papua Occidental: Habitantes de la selva combaten amenaza maderera Ultima resistencia del Pueblo Moi

El pueblo *moi* de Papúa Occidental (Nueva Guinea Indonesia) está luchando para salvar su territorio selvático de la destrucción a manos de la compañía maderera Intimpura. Lo siguiente es una informe de la primera investigación conducida por elementos externos sobre su sufrimiento. Parecería que los *moi* son el primer grupo que monta una resistencia organizada contra las operaciones industriales madereras intensas que recientemente han comenzado en la isla principal de Papúa Occidental. Por lo tanto, su caso es extremadamente importante, y pensamos que es urgente que sea objeto de la atención de la comunidad internacional.

Nueva Guinea es la segunda isla del mundo, y, con casi mil distintos pueblos y lenguas -un quinto del total mundial- es el lugar culturalmente más diverso de la tierra. Tiene la selva tropical más extensa de toda Asia y Oceanía. Ahora que la gran selva húmeda del sureste de Asia ha sido muy destruida, las compañías madereras importantes están volcando su atención hacia esta última reserva fácilmente accesible de maderas tropicales. La mitad occidental de la isla fue anexada por Indonesia en los '60, y es ahora conocida oficialmente como la provincia de Irian Jaya. (La mitad oriental es el país independiente Papúa Nueva Guinea). El presidente indonesio recientemente proclamó la construcción de caminos en Irian Jaya como una prioridad nacional; las »autopistas«, que en realidad sirven de caminos madereros, se introducen en lo que hasta ahora había sido territorio inaccesible. Vastas áreas de la provincia han sido otorgadas como concesiones a las compañías madereras, sin el consentimiento, o ni siquiera la consulta, de los cientos de pueblos indígenas que han ocupado estas tierras durante los últimos cuarenta mil años.



Papua Occidental

Uno de los pueblos más inmediatamente amenazados son los *moi*. Sumando casi 4.000, viven en el extremos occidental de la isla – en el »pico« de la llamada Península de la Cabeza de Pájaro, en los alrededores del pueblo de Sorong (oficialmente *Kabupaten Sorong* – »Regencia de Sorong«). El gobierno indonesio ha otorgado a PT Intimpura (PT=Ltda.) una vasta concesión maderera, 339.000 hectáreas en el corazón de las tierras ancestrales *moi*.

De acuerdo a regulaciones gubernamentales, la tala de árboles en las concesiones es selectiva. Esto suena ambientalmente benigno; sin embargo, estudios conducidos por el WWF sugieren que el talado selectivo destruye aproximadamente un tercio de la vegetación natural, incluso cuando sólo se cortan 7 árboles por hectárea. Cuando un gran árbol cae, arrastrará frecuentemente varios árboles menores con él. Cada tronco deber ser arrastrado hasta el camino principal por pesadas máquinas, lo cual resulta un una densa red de huellas de tractores a través del área. Datos publicados por FAO indican que hasta la mitad de las reservas residuales de árboles son dañadas durante el proceso extractivo. Además, las regulaciones madereras en Indonesia son raramente puestas en práctica, y el daño es generalmente peor que el recién descrito. Se supone que se replanta, pero es casi siempre mal administrado, debido a la falta de inspectores del gobierno.

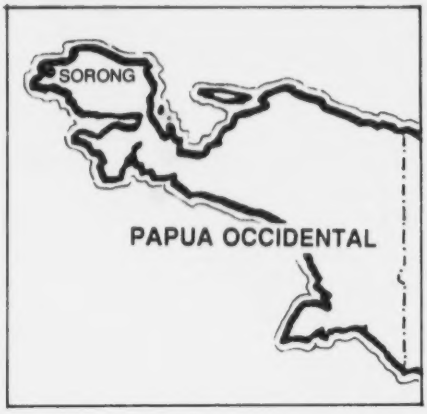
Un problema particular de la concesión de Intimpura es la descuidada construcción de los caminos madereros. Estos están construidos, en una forma rutinaria, sobre corrientes menores de agua sin ninguna previsión de protección; el resultado es una línea, a lo largo del camino, de charcos de agua, lo cual produce concentraciones inusualmente altas de mosquitos y presentan la amenaza de malaria y otras enfermedades. Además esta alteración del sistema natural acuático pone en peligro, a largo plazo, la recuperación de la floresta. Quizás el peligro mayor, sin embargo, está en la misma existencia de estos caminos; permitirán la entrada de más madereros, tanto legales como ilegales, cazadores furtivos y colonos.

Durante casi un año, el pueblo *moi* ha estado resistiendo la invasión de la compañía maderera. Se han reunido al menos 6 veces con representantes de la Compañía, el Servicio Forestal, y el Gobierno Local, para protestar sobre las operaciones de talado en sus tierras. El 11 de noviembre de 1991, más de 80 hombres y mujeres acompañados por sus niños manifestaron vociferadamente en frente de la oficina local del Servicio Forestal. Cuatro días después unos 100 manifestantes de todos los siete *kecamatan* (condados) *moi*, manifestaron fuera de la oficina en el *Bupati* (regente) de Sorong, dónde se mantenía una reunión con sus representantes, el Gobierno Local, el Servicio Forestal, la Compañía, y el Ejército Indonesio. La involucración de estos últimos no es sorprendente en Indonesia, el ejército es comandado por ley no sólo a proteger el país

contra enemigos foráneos y domésticos, sino también para »asistir al desarrollo nacional«. El ejército era el poseedor inicial de las concesiones madereras de Intimpura, y basado en un precedente indonesio, es probable de que mantenga un interés económico en la misma. Como en las reuniones previas, los manifestantes y sus representantes rechazaron los planes de talar sus tierras. Por su parte, el gobierno, la compañía y el ejército permanecieron firmes en su política de no reconocer ninguna forma de derechos territoriales nativos.

El 25 de febrero de 1991, un grupo de aldeanos *kelayili*, furiosos ante las incursiones de los madereros en sus tierras, derribaron los edificios del campo de exploración. El 6 de noviembre, diez aldeanos armados con machetes impidieron a 16 exploradores entrar en su territorio. El 17 de diciembre, un grupo de gente de Kelasaman y Kelayili, furiosos por haberles sido negado el acceso a su propia tierra para el propósito de recoger leña para sus festividades de Navidad, tomaron y destruyeron un puesto de guardia de la compañía. La compañía ha puesto carteles prohibiendo el acceso de los *moi* a las tierras bajo concesión; a su vez, ellos pusieron carteles prohibiendo a la compañía cortar sus preciados árboles *damar* (de estos árboles extraen resina la cual es quemada como fuente de luz). Estos carteles amenazan a la compañía con una multa de cinco millones de rupias (U$ 2.500) por infracción. La compañía ignora esta amenaza, y continúan cortando – el damar es una madera de alta calidad. La gente de la aldea Kalayili ha puesto carteles prohibiendo a la compañía entrar a su territorio. La compañía ya ha relevado las tierras hasta la misma aldea.

Antes de iniciar estas operaciones, Intimpura no consultó con ninguno de los pueblos locales. De hecho, la gente de la aldea Aimas no sabía que había sido otorgada una concesión hasta que oyeron el sonido de las pesadas maquinarias y del talado de árboles. Cuando la gente protestó, la compañía les aseguró que el talado selectivo no tendría efecto sobre su estilo de vida, y también les prometió compensación monetaria por un monto de cincuenta millones de rupias (U$25.000) por clan, así como mejoramiento de la aldea, como un nuevo camino y servicio eléctrico. Pero nada de ésto se ha cumplido, con la excepción de un sólo pago de un millón y medio de rupias (U$750) a ser compartido entre todos los nueve clanes de la aldea. No hay signos de más pagos. De cualquier manera, es evidente que los *moi* no están dispuestos a aceptar una solución monetaria. Como dijo un hombre, »nuestro



amor por la naturaleza es firme. No importa que tipo de compensación nos ofrecen, la rechazaremos firmemente. Lo único que vale es la tierra«.

Puede que ya sea demasiado tarde para la aldea Aimas; dado el presente nivel de cortes, la compañía habrá completado sus operaciones allí en los próximos meses. Pasará pronto a los territorios de otras aldeas *moi*.

Toda tierra en Papúa Occidental (y Nueva Guinea como un todo) es propiedad de alguien, y las fronteras precisas de tal propiedad son conocidas y reconocidas por los pueblos locales. Es difícil exagerar el grado de relación que estos pueblos tienen con respecto a sus tierras, y el orgullo que tienen en ello. Como un miembro tribal *moi* nos dijo, »cortar nuestra selva es como cortar nuestro corazón«. Pero desafortunadamente para ellos, el gobierno sólo reconoce la propiedad individual de la tierra, que es un concepto foráneo en Nueva Guinea. Tradicionalmente, toda tierra es tenida en fideicomiso por el clan.

Los *moi* son habitantes de la selva. Si bien tienen algunos cultivos, el grueso de su dieta proviene de la caza y la recolección. Lo fundamental es el *sago* (almidón procesado de la médula de una palmera de crecimiento rápido), suplementado con carne de canguro, cerdo salvaje, peces, langostinos de agua dulce, aves, plantas selváticas y frutas salvajes. Raramente tienen cerdos, tiene unas pocas gallinas; el único animal doméstico importante es el perro cazador. Dada su dependencia de la selva, es seguro decir que si el corte de árboles continúa, tendrán sólo dos opciones: quedarse en sus hogares ancestrales y pasar hambre, o transformarse en refugiados.

Un grupo de nuestros representantes ha retornado recientemente de una misión investigadora en el territorio *moi*. Por lo que sabemos, son los primeros extraños (extranjeros o indonesios) que documentan la actual situación aquí. El grupo visitó cuatro aldeas *moi*, y en dos de ellas grabaron videos con entrevistas con media docena de hombres y mujeres. Esta era gente normal, no expertos oradores públicos, quienes se adelantaron muy espontáneamente cuando los extraños aparecieron inesperadamente en sus aldeas con una cámara de televisión. Nunca habían estado antes en la televisión, y no tuvieron ninguna oportunidad de preparar ningún tipo de declaración. Tenían además la dificultad de hablar en una lengua extraña, el indonés, la cual no dominaban totalmente. Estaban nerviosos, porque la libertad de palabra está suprimida en Indonesia. Oponerse públicamente a los planes de desarrollo del gobierno puede ser considerado un crimen: se puede ser juzgado por subversión, por »conspirar« contra el »desarrollo nacional«. Pero su furia superó su timidez y su miedo. Aquí hay algunos extractos de esas entrevistas.

1. Aldea Aimas, un hombre nervioso:
   »Todas las corrientes de agua se han secado y están barrosas. Y los peces que acostumbrábamos a pescar en ellas, han simplemente desaparecido ...Y el agua no es más clara. Lo mismo pasa con los árboles damar. También con los árboles sago. Y los pájaros del paraíso también han desaparecido; han volado a otros lugares. ...Los mosquitos han llegado a las aldeas e infestan nuestras casas. Cuando nos adentramos en la selva para buscar algo -como la fruta cempedek- tenemos que cepillarnos los mosquitos así (se cepilla el brazo). ...Nosotros no queremos que PT Intimpura continúe operando aquí.«

2. Aldea Aimas, una mujer muy enojada, con un amigo a su lado que la ayuda:
   »Porque aquí, en la aldea Aimas, sentimos desesperación. Porque han arruinado la tierra y todo lo que hay en ella, la antigua selva que era tan vasta, y no recibimos ningún beneficio. Ahora los rechazamos, no pueden venir más, tienen que irse. Porque tenemos que pensar en nuestros hijos y nuestros nietos por venir - ¿dónde van a encontrar alimentos? Para nosotros, los más viejos, nuestro tiempo ya pasó. No importa en realidad mucho. Nosotros, los más viejos, ya hemos llegado a esta fecha, este año 1992. (Pero)... nuestros hijos están creciendo. ¿Dónde van a comer? ¿Dónde van a vivir? Ahora estamos apesadumbrados. Además ya hemos renunciado (mucho), la aldea

Aimas (y) otras aldeas. ¿Cuál es nuestro problema? El gobierno ha venido y permitido a la compañía trabajar en el territorio de la aldea Aimas. Y nosotros, los aldeanos, no sabíamos nada de ello. Así que ahora estamos con gran pesar. ¡No pueden trabajar más en el territorio Aimas! ¡Qué se vayan ahora! ¡Los estamos echando! Deseamos no verlos nunca más. La compañía está simplemente trabajando, sin dar ninguna compensación a la aldea Aimas. ¿Porqué sucede ésto? Que se vayan, no pueden entrar más aquí. ¿Porqué vinieron? Nunca estuvimos de acuerdo.

»Somos gente ignorante. Queremos saber qué es lo que pasa. ...Así que ahora no lo aceptamos más. Que Intimpura se vaya ahora. Estamos apesadumbrados. Todas las tierras son nuestras. Ellos destruyen las plantaciones de sago, las de damar, la madera y el agua, no hay peces, no hay aves, no hay nada. Así que dejen que Intimpura se vaya. ...Ellos vinieron sin pagar, sin pasar por los dueños de la tierra. Nos tratan, a los dueños de la tierra, como si fuéramos nadie. Como si fuéramos gente sin valor, gente sin derechos. Pero en realidad nosotros somos los que tenemos el derecho (a esta tierra), un derecho absoluto. Entonces ¿porqué vinieron y destruyeron todo? Muestra que no tienen ningún respeto por los dueños de la tierra ¿Porqué es ésto así?

»Y ahora estoy seguramente hablando por todas las madres y niños y la gente de Aimas, en este día, el primero de enero de 1992, cuando digo: ¡Qué se vayan, qué no se queden más aquí, qué no trabajen más, qué no corten más madera. Mañana o pasado, o dentro de cinco días (pueden esperar) que se les dispare o ataque por un grupo de gente, que se los mate, su sangre derramada! ...¡baleados! ...¡baleados! ...¡Con machetes, descuartizados! ¡No pueden quedarse aquí! ¡Tienen que irse ahora!

»Se han transformado en los enemigos de las aldeas Aimas y Kelasaman. No estamos informados de nada. Queremos que se nos informe. Somos gente ignorante. Ellos... están engañando a gente ignorante. (No tienen) respeto por la aldea Aimas...«

3. Aldea de Kelasaman, un hombre:
»Destruimos el puesto de guardia, porque no nos dejaban recoger leña en nuestra propia tierra para las celebraciones de Navidad. Dijeron que necesitábamos un permiso para recoger leña. ¿Porqué tendríamos que necesitar un permiso cuando no hay ningún acuerdo entre PT Intimpura y el pueblo?

»No (es) justo para el pueblo moi – ni para la gente que está desempleada en Sorong tampoco. ¿Dónde van a vivir esos desempleados? Nuestro entorno natural no es sólo para el pueblo moi – nuestro entorno natural y la selva es para el pueblo en general, (para la gente) que quedará cesante en toda la Regencia de Sorong.

»...El pueblo de Irian es un pueblo natural, que crece y florece en armonía con la naturaleza...

»Intimpura es una compañía gigante – no como una compañía minera. Una mina opera en un sólo lugar. Pero una compañía maderera destruye toda la floresta. Además usan maquinaria pesada, no trabajo humano. Significa que todo a su paso, todo lo que crece – ya sea, sago, langsat, fruta cempedek... significa que todo es destruido, quiere decir ¿dónde están los pueblos de Irian ... en particular el pueblo moi – dónde pueden estar a gusto en el futuro? ¿Y qué va a pasar con nuestros usos tradicionales de nuestro entorno natural – como nuestras medicinas tradicionales - que siempre han ayudado al pueblo de Irian?

(En respuesta a la siguiente pregunta: »Si la compañía les ofrece un paquete de indemnización muy grande, ¿los pueblos lo aceptarán o lo rechazarán?«)

»No queremos indemnización de ningún tipo, de ninguna forma (en el fondo se oyen voces femeninas, »¡No las queremos!«). Nuestro amor por la naturaleza es firme. (Más voces de fondo afirmando, »no las queremos«) No importa que tipo de compensación nos ofrezcan, las rechazaremos. Lo único que resiste es la tierra. El ambiente natural. Eso es lo que es permanente.«

4. Aldea Kelasaman, una mujer con su hijo, con otra media docena de madres y sus niños que también se juntaron alrededor de ella para salir en cámaras:
»No queremos a la compañía llamada Intimpura. Porque sabemos que esta Intimpura es una compañía gigante. Así que nos negamos a que Intimpura entre aquí. Primero de todo – por nuestros niños en el futuro. ¿Dónde van a comer? Segundo – ¿porqué tenemos que seguir dando? Ya hemos dado más de la mitad de nuestras tierras al gobierno (expropiada por grupos de transmigración javaneses – ed.). Esto es todo lo que nos queda. Queremos decirles ésto directamente – no podemos aceptar que Intimpura venga a nuestras tierras. Tenemos que resistirlos. Tenemos que pensar en el futuro de nuestros nietos. Este chico por ejemplo (señala a su chico). El día once (11 de noviembre de 1991, cuando más de 80 moi manifestaron en frente de la oficina del Servicio Forestal) las madres manifestaron con sus hijos como éste (levanta al niño). Así que estamos defendiendo nuestra tierra para el futuro de nuestros hijos – en el futuro necesitaremos de la selva. En la selva hay tanto de lo que necesitamos, tantas cosas necesarias para nuestra cultura. Al venir Uds. aquí nos han dado la oportunidad de decir lo que pensamos, y de Intimpura y de nuestra tierra. No los queremos. (Voces de fondo: »¡No los queremos!«). Estamos muy convencidos de ésto. No importa cuánto nos ofrezcan pagar. No lo aceptamos. (Voces de fondo: »¡No lo queremos!«)

Primer Conferencia de Pueblos de la Selva, 12-15 de febrero de 1992, Penang, Malasia (organizada por: Movimiento Mundial por la Selva Húmeda (World Rainforest Movement)

Resolución sobre Papúa Occidental

Nosotros, los delegados a la Conferencia de los Pueblos Indígenas-Tribales de la Selvas Tropicales, reunidos el 12-15 de febrero de 1992 en Penang, Malasia, declaramos nuestro compromiso y solidaridad con la lucha del pueblo *moi* de Papúa Occidental.

El pueblo *moi* de Papúa Occidental, que suma casi cuatro mil personas, vive en el extremo occidental de la isla – en el »pico« de la llamada península »Cabeza de Pájaro«, en los alrededores del pueblo de Sorong.

El gobierno militar neocolonialista de Indonesia ha otorgado a PT Intimpura una concesión maderera de 339.000 hectáreas en el corazón de las tierras ancestrales *moi*.

Exigimos al gobierno de Indonesia que:

- respete la propiedad tradicional de la tierra del pueblo *moi*, es decir, sus legítimos derechos indígenas basados en su cultura melanesia y su concepto con respecto a la naturaleza;
- detenga inmediatamente todas las actividades madereras en los territorios ancestrales *moi*;
- indemnice todo el daño ocasionado al pueblo y su selva, a ser pagado inmediatamente, basado en las demandas de los mismos pueblos;

- detenga toda la explotación de todas las selvas de Papúa Occidental sin el pleno y libre consentimiento de los pueblos indígenas afectados;

- respeten el derecho de autodeterminación de todos los pueblos indígenas de Papúa Occidental;

Nosotros, los pueblos indígenas/tribales de las selvas tropicales, a través de nuestra Carta, exigimos que el gobierno de Indonesia respete los derechos de todas las comunidades de pueblos indígenas/tribales de Indonesia así como de Papua Occidental.

Penang, 15 de febrero de 1992

Fuentes: NEWS ALERT ❑

DOCUMENTO IWGIA NO. 65 (EN INGLES)

PEOPLE ■ IN ■ BEETWEEN A ■ CASE ■ STUDY ■ ON ■ THE KUMIL ■ TIMBER ■ PROJECT, MADANG ■ PROVINCE, PAPUA ■ NEW ■ GUINEA

POR DANIELA RENNER / US$ 8,-

734

Los beduinos de Negev

Israel

Después de la guerra en 1948 y el establecimiento del Estado de Israel, una pequeña cantidad de *palestinos árabes* continuaron bajo su autoridad, incluyendo los *beduinos* en el distrito del sur (el Negev).

En ese momento, 16 jeques beduinos se reunieron en Beersheba con representantes del nuevo estado y se les dio la promesa solemne que bajo la autoridad del Estado de Israel, la propiedad, el honor y la tierra de todos los ciudadanos beduinos serían respetados y preservados.

Sin embargo, lo que tuvo lugar en realidad fue algo muy diferente. Después de que la situación estuvo estabilizada a principios de 1950, el gobierno israelí planeó e implementó la forzada concentración de Beduinos en la »zona cerrada« (*syaq*) al este de la carretera de Beersheba-Hebron. El gobierno israelí, utilizando fuerza militar, desplazó a los beduinos de sus lugares originales de habitación y de sus tierras ancestrales y los reasentó en la zona de concentración *syaq*.

Una vez más, después de 1967 y el levantamiento del gobierno militar, el gobierno decidió reducir la zona de habitación beduina todavía más, una población que ha aumentado de modo notable en el curso de los años, y ahora constituye unas 75.000 personas. La política del gobierno después de 1967 se centró en el establecimiento de siete pueblos »planificados« sin ninguna base económica. La noción guía del proyecto consistía en que los beduinos encontraran empleo, si fuera posible, como trabajadores no calificados, en poblados judíos, a menudo lejos de sus casas.

Como es de comprender, muchos beduinos se opusieron a esta política porque consideraban su realización como una tentativa para eliminar un número importante de poblados beduinos existentes y para ganar el control de toda la tierra beduina. Es un hecho que a pesar de un completo abanico de presiones – tales como la destrucción de casas construidas por beduinos hacía decenios, la clausura de escuelas, suspensión de agua potable, confiscación y denegación de proveer cualquier tipo de servicios básicos, incluso atención médica – un 60% de la población de beduinos de Negev se ha quedado fuera de los pueblos planificados. Estos beduinos desean quedarse en sus poblados existentes, para desarrollarlos y para establecer aldeas agrícolas, con la posibilidad de agricultura y la cría de animales.

En el momento actual, hay unos 75.000 beduinos que viven en el Negev, la mayoría de ellos viven en poblados con graves carencias de infraestructura básica y los mínimos servicios elementales necesarios. Esta población está luchando por la misma existencia, particularmente como consecuencia del informe presentado en 1986 por el Comité Investigador del Gobierno sobre Construcciones Ilícitas en el Sector Arabe, del llamado »Comité Markovitz«. Según las recomendaciones de este informe, unos 6.601 edificios fuera de los pueblos proyectados son clasificados como »ilegales« y según el programa serán destruidos en 1990 (hoy día, este número ha alcanzado unas 8.000 viviendas).

A pesar del hecho que la mayoría de los beduinos fueron obligados a abandonar sus lugares permanentes de residencia en los años 50 y fueron concentrados en la »zona cerrada« (o syaq), todavía están expuestos a fuerte presión actualmente por las autoridades, con el propósito de desplazarlos de sus actuales asentamientos. El objetivo es concentrar la población beduina en una pequeña cantidad de pueblos planificados para que el gobierno pueda lograr sus planes.

La política de concentrar a los ciudadanos beduinos en colonias urbanas »planificadas« ha estado vigente ahora durante unos 25 años. Una evaluación de la situación indica que en el mejor de los casos se ha logrado un éxito parcial. Hasta hoy día, cinco pueblos planificados (de siete que han sido aprobados) han sido desarrollados y establecidos. Hoy, solamente un 40% del total de la población beduina en el Negev vive en estos pueblos, a pesar de los esfuerzos de las autoridades para reasentar a los beduinos de Negev en estos poblados. Los pueblos todavía carecen de una base económica e infraestructural adecuada y padecen de dificultades ambientales. Toda esta combinación de factores junto con el conflicto fundamental por la tierra y otros elementos, han servido para desincentivar el establecimiento de la mayoría de la población beduina de Negev en esos lugares.

Por contraste, la política del gobierno en los »poblados espontáneos«, donde más o menos el 60% de la población beduina vive todavía, está caracterizada por una negación a suministrar bases infraestructurales y servicios elementales, tales como agua potable, educación, atención médica, etc. en estos poblados. Por consiguiente, está claro que la política actual del gobierno tiene la intención de eliminar las pequeñas aldeas »espontáneas« de este tipo, impidiendo la construcción de nuevas viviendas incluso chabolas y casas móviles. La destrucción de casas y otras estructuras sigue sin disminución.

No es un secreto que hasta dentro del gobierno hay muchos que reconocen que las políticas que tratan de concentrar a los beduinos en pueblos »planificados« sólo ha tenido un éxito parcial. Las críticas han sido expresadas por voces de las propias filas, con el propósito de introducir nuevas estrategias

de planificación: las opciones propuestas mencionadas, incluyen la declaración del establecimiento de un número adicional de pueblos proyectados, la integración de la agricultura como un componente en medidas de planificación o la creación de pueblos agrícolas.

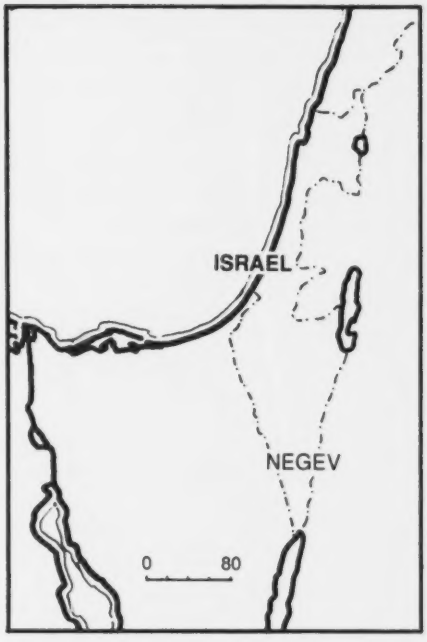
La experiencia del pasado ha enseñado a los beduinos una triste verdad: casi nunca son consultados sobre sus propios deseos y preferencias, y nadie les pregunta que tipo de proyectos **ellos** mismos encuentren apropiados para sus necesidades y expectativas. La paradoja está en que la población beduina ha sido el factor más marginal en el proceso de planificación *a fuerza de la falta de participación.*

El presente informe tiene la intención de brindar una nueva perspectiva, con base en los deseos del pueblo beduino que es el principal afectado. El informe presenta un esbozo de la presente situación de los beduinos de Negev, seguido de un plan básico para una distribución preferible de la población, su desarrollo y progreso conforme a las necesidades legítimas de este grupo.

Para el año 2000, se calcula que la población beduina del Negev va a contar con unos 120.000 habitantes. Como resultado, sus demandas por educación, asistencia médica, alojamiento, empleo, infraestructura y otras necesidades elementales van a aumentar seguramente. No consideramos el plan de unidimensional de pueblos urbanos (como única opción), es decir, la política actual del gobierno, como una solución apropiada de los problemas de la población beduina en su totalidad. Por esa razón, hemos desarrollado una propuesta esbozando un sistema equilibrado de poblados, diversificado y de carácter escalado. Nuestra recomendación se basa en la distribución actual de la población, que cambia conforme a las tendencias presentes en el ámbito como se revela mediante estudios e investigaciones empíricas. El sistema propuesto de poblados será integrado en la estructura existente de poblados locales y nacionales.

El objetivo de este plan es reducir el hueco actual entre lo que es deseable desde la perspectiva beduina y la mejor opción existente y practicable para conseguir una calidad de vida en harmonía con el ambiente humano y físico de los beduinos. Las intenciones del plan se basan en esta meta y pueden ser realizadas mediante medios diversos y flexibles.

El punto de partida del plan presentado aquí es la comunidad afectada: la población beduina de Negev. Al presente, esa población tiene carácter muy variado y está en un



agudo proceso de transición y cambio sociocultural. Este pueblo con tantas diversidades también tiene el derecho a soluciones diversas, tipos de poblados y posibilidades de empleo y sustento. ¿En qué otro modo se puede tener una respuesta adecuada a los problemas de desarrollo de un pueblo con antecedentes tribales, ahora en transición? Estos antecedentes están determinados por tradiciones arraigadas junto con el desarrollo moderno (en el sentido más amplio de la palabra), un liderazgo tradicional junto con activistas jóvenes, una generación de jóvenes educados junto con una generación más vieja, la de sus padres, orientada en forma tradicional. La población muestra un espectro socioeconómico muy amplio que incluye a terratenientes y desposeídos, profesionales capacitados y asalariados, agricultores y pastores. Esta es una sociedad con grupos cuya principal orientación es enfocada en la familia nuclear junto con otros segmentos que tienen una estructura social principal centrada en la familia extendida.

Estos componentes diferenciales y otros componentes que podrían mencionarse necesitan una respuesta multidimensional y bien elaborada, a los problemas que este pueblo sufre. Además, el pueblo beduino tiene el derecho a una cantidad mínima de consideración especial: en lo posible este pueblo no debería ser sometido a fuertes presiones de parte de las autoridades, pues este pueblo ya tiene muchos problemas por resolver – las dificultades y los tumultos de transición a causa del contacto con la sociedad externa. Esta presión efectuada por las autoridades gubernamentales tiene la intención de crear un tipo especial de sociedad urbanizada – conformada desde arriba, sin participación beduina y de bajo costo.

El plan contiene dos recomendaciones centrales:

1. Debería efectuarse una reimprovisación del planeamiento de los pueblos existentes y una expansión de su zona de jurisdicción para incluir a los habitantes que actualmente viven fuera de la zona de jurisdicción. El nuevo concepto de planificación propondrá soluciones diversificadas de alojamiento (como por ejemplo barrios para agricultura auxiliar, barrios para agricultura, barrios para viviendas, etc.) y de los problemas de empleo (zonas industriales, zonas comerciales, zonas para agricultura auxiliar, etc.)

2. El plan recomienda un reconocimiento retroactivo de doce poblados adicionales ya existentes como aldehuelas establecidas y su desarrollo planificado (junto con dos pueblos para pastores). Estos poblados deberían mantener el carácter de aldeas, enteramente o parcialmente.

Además, el plan trata los segmentos de la población beduina que viven muy cerca de poblados urbanos de judíos, o en su zona de jurisdicción, una población que es parte de estos poblados y que recibe servicios de ellos, además de educación. Evidentemente, una aprobación formal de plan propuesto exige cambios en los trazados de los planes de estos poblados judíos y va a producir influencias concomitantes sobre los habitantes beduinos afectados.

Para implementar la distribución propuesta, hay que tomar medidas para conseguir lo siguiente:

1. Una decisión de las autoridades para impedir la demolición de viviendas – y, por lo tanto, permiso a la población beduina para hacer preparativos, a un ritmo apropiado y natural, para la implementación concreta del plan.

2. El establecimiento de una autoridad especial para dirigir y administrar la realización del plan, controlando y administrando el planeamiento general y otras áreas específicas de los poblados propuestos, cada asunto y sector separadamente.

Continúa en la página 35

NOTICIAS BREVES · NOTICIAS BREVES

Chittagong Hill Tracts: 200 tribales muertos a tiros

Agartala, 13 de abril.

Más de 200 indígenas tribales fueron asesinados y otros 400 fueron heridos, muchos de ellos seriamente, cuando fuerzas de seguridad de Bangladesh abrieron fuego y emigrantes musulmanes armados con cuchillos hicieron una incursión asesina en la aldea de Logang, situada en la conflictiva zona de Chittagong Hill Tracts, el 10 de abril, según Parbottya Chattogram Jana Samhati Samity.

Según un informe de Samity, todo el poblado, con una población de unos 5.000 indígenas tribales, la gran mayoría *chakmas* budistas, fue incendiado, quedando las chozas reducidas a cenizas. Cita a dos de los habitantes del poblado, que escaparon al genocidio y solicitaron refugio en un campo de refugiados en este lado de la frontera.

Según el informe, la mayoría de las víctimas fueron mujeres y niños, los cuerpos fueron esparcidos por el poblado y en un club local.

Fuentes del servicio de inteligencia de aquí, e informes del otro lado de la frontera, han confirmado la masacre, pero no han podido dar el número exacto de víctimas.

Aparentemente el hecho está en relación con la muerte a cuchilladas de uno de los emigrantes musulmanes. El hombre fue asesinado por tribales enfurecidos del poblado, después de que la víctima y dos amigos hubieran violado a una joven tribal que había salido para traer el ganado de vuelta del campo.

Samity alegó que cientos de tribales han huido del poblado, estando escondidos en las selvas cercanas y algunos de ellos han cruzado la frontera y se han asilado en los campos de refugiados en Tripura, donde más de 55.000 chakmas residen desde 1981.

El informe nombra a un mayor Habib de BDR y a la Policía de reserva de Bangladesh, los cuales dirigieron a los emigrantes musulmanes. Se dice que, hasta ahora sólo seis de los cuerpos han podido ser identificados.

Esta ha sido la primera masacre durante el año de gobierno de Begum Khalida Zia y de la vuelta a la democracia en Bangladesh, el informe alega »El gobierno de Bangladesh está haciendo ésto deliberadamente para rehabilitar a los musulmanes, quienes han huido de Myanmar y se han refugiado en Chittagong Hill Tracts.

Entretanto algunos oficiales del ejército de Bangladesh y dos miembros del distrito de Pancyhali han visitado el poblado y han prometido a los habitantes tribales darles raciones de comida gratis durante seis meses así como otros beneficios, incluso les han ofrecido ayuda para la reconstrucción de las casas.

Fuentes: The Times of India. Martes, 14 de abril, 1992. ❑

Costa Rica: Denuncia ante las Naciones Unidas

Señor Dr. Jorge Rhenán Segura
Representante del Estado de Costa Rica

Estimado Señor Rhenán:
La Comisión Costarricence de Derechos Humanos (CODEHU), hace de su conocimiento la información adjunta, referente a inauditos acontecimientos acaecidos en la comunidad indígena de Cunabre, Talamanca, Costa Rica, los días 21 de febrero de 1992 y siguientes, perpetrados por un comando policial integrado por 13 miembros de la Guardia de Asistencia Rural (Ministerio de Gobernación y Policía), reclutados en diversas delegaciones del país con la intención de que realizaran una acción policial antidrogas.

Los actos violatorios de diversos derechos humanos fundamentales son.

a) lesiones a la integridad física, psíquica y moral en el caso de varias personas, estos actos de tortura fueron particularmente crueles en relación con las dos personas que luego fueron ejecutadas.
b) violación al derecho a la vida al ejecutarse en forma absolutamente arbitraria a dos personas indefensas,
c) privación de libertad por varios días de varias personas que fueron utilizadas bajo amenazas como guías y servidores de los oficiales de policía.
d) amenazas y otros actos constitutivos de abusos de autoridad en perjuicio de la comunidad indígena de la zona a efecto de que no denunciaran los hechos acaecidos ni rindieran testimonios a ninguna autoridad.
e) violación de dos indígenas y robo de dinero y otros bienes, ejecución de diversos maltratos y detenciones arbitrarias.
f) destrucción de bienes (casas, instalaciones, otros) de los indígenas de la zona.

Todos estos actos violatorios se ejecutaron con el mayor desprecio a la dignidad humana y en forma absolutamente innecesaria.

Nos preocupa particularmente el deterioro creciente de los cuerpos policiales en Costa Rica y los elevados grados de corrupción, ineficiencia y actuaciones arbitrarias que constantemente aparecen como causas que explican actuaciones como ésta acaecida en una comunidad indígena.

Lamentablemente, señor Rhenán, no podemos percibir este hecho como aislado, sino que por el contrario constituye una manifestación de causas y circunstancias que se fortalecen y que, unidas a otros fenómenos que no es del caso aludir aquí, constituyen un peligrosísimo elemento de inestabilidad para un Estado de Derecho como el costarricense, que según hemos analizado en anteriores informes bianuales de CODEHU, muestra una fragilidad e inconsistencia sorprendentes en perjuicio de los derechos humanos.

...Estimamos que los esfuerzos del gobierno costarricense orientados a enfrentar y superar esta situación (agravada en la década de 1980 por la formación militarista impartida a los cuerpos policiales) son sumamente débiles y contradictorias.

Igualmente nos preocupa la falta de profundidad de los informes de Costa Rica atinentes a la situación de los derechos humanos en lo que se refiere a la dinámica y perspectiva social. Esta situación consideramos que obedece al menosprecio que lamentablemente los funcionarios públicos costarricenses han mostrado históricamente por las organizaciones no gubernamentales que laboramos en el ámbito de los derechos humanos, pero también estimamos que obedece a una actitud consistente en informar sin consultar a los órganos especializados del mismo Estado Costarricense. Así, conocemos que la Defensoría de los Derechos Humanos y sus diversas defensorías especializadas ubicadas en el Ministerio de Justicia, no participaron en el suministro de información de violaciones concretas para la confección de los últimos informes rendidos por nuestro

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Estado (por ejemplo documento D.G.P.E./SGOI/DHR de fecha 23/5/91 presentado por Costa Rica al Comité para la Eliminación de la Discriminación Racial). Conocemos muy bien porque coordinamos con estas defensorías, de los gravísimos problemas de violación de los derechos humanos que atienden, que afectan a grupos minoritarios y en general a la comunidad costarricense y que son absolutamente desconocidos por la Comisión de Derechos Humanos y por la comunidad internacional interesada en esta temática.

Finalmente, la Comisión Costarricense de Derechos Humanos (CODEHU) desea recordar que el Comité de Derechos Humanos (ECOSOC) en sus sesiones 958a y 960a de los días 22 y 23 de marzo de 1990 (CCPR/C/SR 958 y SR 960) mostró preocupaciones muy específicas en torno a la situación de los derechos humanos en Costa Rica, fundamentalmente en relación con la protección a las minorías. Estimamos que los problemas allí planteados no sólo se han mantenido sino que también se han agravado.

Lamentablemente la experiencia ha mostrado que el estado de derecho es capaz de generar causas y circunstancias específicas violatorias de los derechos humanos y en ese sentido los representantes especializados ante estos órganos tienen una particular responsabilidad para explicar objetivamente las situaciones que enfrenta el país y solicitar la colaboración internacional que corresponda...

Comisión Costarricense de Derechos Humanos (CODEHU). ❑

Ecuador:
Marcha indígena

Tras una marcha de 12 días, miles de indígenas de la amazonía ecuatoriana llegaron a Quito este 23 de abril para reclamar por sus derechos. El día 11 de abril, unos 500 indígenas de los pueblos *shuar, shiwiar* y *quechua* salieron de sus aldeas ubicadas en la selva para marchar a Quito. La marcha fue convocada por la Organización de Pueblos Indígenas de Pastaza (OPIP) para pedir a las autoridades del Estado, la legalización de dos millones de hectáreas de sus tierras ancestrales y una reforma de la Constitución que declare al Ecuador como país »pluricultural«.

En el transcurso del ascenso a la capital ecuatoriana, se fueron sumando a la marcha cientos de indígenas de otros pueblos amazónicos y andinos. La entrada de la marcha a Quito contó con la presencia de 2.000 indios de la zona selvática y 4.000 de la sierra.

Los manifestantes fueron recibidos por el Presidente Rodrigo Borja que ofreció la legalización de los territorios exigidos en un plazo de 12 a 15 días. Los indígenas indicaron que permanecerán en una plaza pública hasta recibir los títulos de propiedad.

Las autoridades oficiales aceptaron que las comunidades nativas sean consultadas en las decisiones sobre explotación petrolera y que se estudien las propuestas de manejo ambiental de la selva elaboradas por la OPIP. Desde 1970, aproximadamente 450 mil barriles de petróleo han sido derramados en la amazonía ecuatoriana. Al mismo tiempo, cada año son devastadas 60 mil hectáreas de bosque de las cuales únicamente 20 mil son reforestadas.

Fuente: IPS ❑

Japón:
indígenas Ainu quieren tomar parte en las discusiones con Rusia acerca de las islas

Tokio, 30 de abril, mientras Japón y Rusia discuten esta semana el futuro de las disputadas islas Kuriles del norte de Japón, los pueblos indígenas que viven en este lugar han dicho que quieren tomar parte en las discusiones también.

Los *ainu* son un pueblo indígena que vive en las Kuriles y dicen que estuvieron forzados a entregar su país a las autoridades japonesas hace unos siglos. Cuatro islas del grupo pasaron al control soviético después de la segunda guerra mundial, y Japón las reivindica.

»¿No es obvio que habría que consultarnos en el proceso de toma de decisiones acerca de la soberanía de la islas septentrionales?«, pregunta Masanori Toyooka, un ainu que ha luchado en forma solitaria para hacer oír a su pueblo.

Toyooka es el líder de las Kuriles y de la Conferencia Ainu de Shakalin y llama a Japón y Rusia »ladrones« porque ninguno de los gobiernos tiene un derecho legítimo a las islas.

Toyooka viajó a Tokio esta semana para entregar una petición al gobierno, en vísperas del viaje a Moscú del Ministro de Asuntos Exteriores del Japón, Michio Watanabe, para participar de conversaciones bilaterales con el propósito de resolver la cuestión de las islas.

La carta también fue entregada a la Embajada de Rusia y a la prensa. Explica como el pueblo ainu ha quedado reducido a menos de 500.000 personas en los últimos decenios a causa de la pérdida de la posibilidad de mantenerse mediante la caza y la pesca.

Japón ha ignorado, en forma estudiada, a los ainu. Hasta 1987, en un informe para la Comisión de Derechos Humanos de las Naciones Unidas, Tokio no había reconocido la existencia del grupo indígena minoritario.

Los ainu son parientes lejanos de los indígenas americanos y vivían en el norte de Japón ya antes de que los colonos japoneses llegaran de Asia continental en los últimos 1.000 años.

En el siglo 15, los ainu de las Kuriles fueron expulsados por los japoneses. Se establecieron en la isla de Hokkaido al norte de Japón, con clanes ainu de otras islas del archipiélago de las Kuriles.

Toyooka dice que las islas fueron confiscadas, y los ainu fueron utilizados como mano de obra barata para la explotación minera y maderera en el territorio.

En 1896, una nueva ley japonesa justificó la asimilación de los ainu en la sociedad japonesa dominante mediante la prohibición del dialecto ainu y la práctica de los ritos tradicionales. Incluso se les prohibió que llevaran sus trajes tradicionales o que tatuaran a las mujeres durante las ceremonias religiosas.

»Fue un intento empecinado para destruir el patrimonio de los ainu,« dijo Toyooka.

Pero la mayoría de los Ainu se han asimilado durante los decenios, y los activistas como Toyooka dicen que encuentran que la lucha por el reconocimiento es muy dura porque la mayoría de los japoneses no saben ni que el grupo existe.

Los expertos japoneses dicen que la asimilación de minorías es un ramal de la política deliberada de Tokio para crear una imagen de los japoneses como una raza homogénea.

Toyooka dice que más de la mitad de los descendientes ainu prefieren esconder su identidad, »japonizar« sus nombres y mez-

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clarse con la sociedad dominante.

El caso de centenas de miles de coreanos traídos a este lugar durante la colonización de Japón de la península en el siglo 18, pero sin permitírseles el estatus de nacionalidad hasta el momento que pudieran demostrar que eran »verdaderos japoneses«, ha tenido una amplia publicidad.

Pero la consciencia ainu está creciendo. Especialmente en el norte. Aproximadamente 250 ainu manifestaron recientemente en Hokkaido, vestidos con trajes tradicionales y rosarios, pidiendo la devolución de las islas.

Shigeru Kayano, un ainu de 65 años de edad, se va a presentar para las elecciones para la Cámara Alta que tendrán lugar en julio. Tiene apoyo del partido socialdemócrata de Japón, el bloque de oposición más grande.

»Estoy luchando por la abolición de la discriminación contra los ainu. A mi pueblo no se le trata equitativamente, especialmente cuando se trata de conseguir un empleo e incluso cuando se trata de contraer matrimonio,« dijo Kayano.

El gobierno niega las acusaciones de discriminación. La ayuda económica anual a los ainu alcanzó a 13 millones de dólares el año pasado.

Fuentes:
IPS/Suvendrini Kakuchi. ❑

Birmania:
los Karen en fuga

La corriente parece ir en contra de los rebeldes *karen* de Birmania en su guerra, que ha durado 44 años, contra el gobierno de Rangún; y el conflicto es una amenaza para el país vecino, Tailandia.

En una ofensiva importante antes de la estación de las lluvias, las tropas del gobierno birmano, las tropas gubernamentales de Rangún, tomaron una colina estratégica cerca de la frontera de Tailandia este fin de semana, poniendo en peligro el bastión karen de Manerplaw.

Los birmanos han utilizado bombarderos chinos adquiridos hace poco tiempo y artillería pesada para bombardear las posiciones de los karen, lo cual fue seguido de ataques terrestres.

A pesar de informes de baja moral entre las tropas del gobierno, el gobierno de Rangún parece haber avanzado hacia Manerplaw. Informes de la frontera, el martes, dicen que centenares de mujeres y niños karen estaban evacuando el pueblo y entrando en Tailandia.

Aproximadamente 200 efectivos birmanos persiguiendo a indígenas karen en retirada, entraron en Tailandia durante el fin de semana, incitando a la artillería tailandesa a abrir fuego.

El martes, los funcionarios del gobierno aquí, han dicho que el ejército había fortalecido las posiciones de artillería a lo largo de las provincias de Mei Sot y Tak, que tienen frontera con Birmania, para impedir más incursiones.

»Las armas adicionales sólo serán utilizadas para proteger la integridad territorial del país contra incursiones«, dijo un comandante superior del ejército de Tailandia.

El Coronel Nipohan Sirpaibul, jefe de una de las fuerzas de seguridad fronterizas de Tailandia, dijo el lunes pasado que el ejército tomaría represalias inmediatamente contra los aviones militares birmanos que violaran otra vez el espacio aéreo.

Con la estratégica »montaña del perro que duerme« en manos del gobierno, los karen se están atrincherando para una importante batalla para proteger Manerplaw, 6 km hacia el sur, pero están en una posición desventajosa porque la ciudad ahora está expuesta a fuego de artillería desde la cumbre capturada.

Si Manerplaw cae, será una gran derrota no solamente para los karen sino también para otros grupos secesionistas y militantes estudiantiles de Birmania que operan de esta base.

El gobierno de Rangún dijo que el lunes, 155 guerrilleros karen murieron en la montaña y un portavoz de los karen reconoció que hubo pérdidas importantes.

La ofensiva es parte de la ofensiva anual de la estación seca del gobierno birmano, pero analistas militares aquí, dicen que este año Rangún está invirtiendo más esfuerzos en los ataques.

Los karen son el grupo insurgente más fuerte de Birmania y han estado luchando contra el gobierno de Rangún desde que el país obtuvo su independencia de Gran Bretaña en 1948.

Fuente: IPS ❑

Canadá:
Se establecieron los límites de Nunavut

El plebiscito del 4 de mayo aprobó la frontera propuesta para dividir los territorios del noroeste de Canadá. Una pequeña mayoría del 54% del electorado, votó a favor de la

Territorio Nunavut

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propuesta fronteriza que separa las tierras reivindicadas por los *inuit* de las de los indígenas *inuvialuit* y *dene*. La frontera también separa un nuevo territorio dominado por los inuit, Nunavut, del resto de los Territorios del Noroeste. Se espera que este nuevo territorio se establezca en 1999.

Dentro del futuro territorio Nunavut, el 90% de sus habitantes votó a favor del acuerdo fronterizo, mientras que el 75% de los votantes de la parte occidental, se declararon en contra. En el territorio Nunavut se esperaba un fuerte apoyo para la nueva frontera ya que el 80% de la población es inuit y el plebiscito parece ser un paso importante para la creación del nuevo territorio Nunavut.

En la parte occidental, con dominio de blancos en la capital Yellowknife, se esperaba que la mayoría votase contra la nueva frontera. Algunos de los indios dene de la parte occidental, se han opuesto a la nueva propuesta fronteriza siendo extremadamente críticos a la demanda de tierra.

Hace 10 años, el pueblo de los Territorios del Noroeste, votaron a favor de la creación del territorio Nunavut. Luego, en diciembre del año pasado, se firmó un acuerdo final entre los inuit y el gobierno canadiense de Ottawa (ver IWGIA Boletín 1/1992). El plebiscito no obligatorio del 4 de mayo, ha establecido las fronteras de este acuerdo.

El próximo paso a dar va a ser en noviembre de este año, cuando los inuit voten sobre las demandas de tierras que, junto a los 350.000 km² de tierras, les van a dar una compensación de 580 millones de dólares. A pesar que el plebiscito del 4 de mayo es no obligatorio, se espera que los inuit voten a favor del acuerdo sobre las demandas de tierras ya que el gobierno de Ottawa está moralmente obligado a establecer el territorio Nunavut dentro de los próximos siete años.

En oposición al acuerdo de reivindicaciones territoriales que confiere derechos específicos a los inuit, la creación del territorio Nunavut significa la autonomía para todos los habitantes. Conformando el 85% de la población, la creación de Nunavut implica, de hecho, la autonomía de los inuit.

Fuentes: The Canadian Press. ICC. ❑

Chile:
Los Pehuenche chilenos no serán expulsados

Por: Hugo Godoy

Las 22 familias *pehuenche* -parte de la nación *mapuche*- quienes habían recibido un aviso de desalojo, permanecerán en sus tierras ancestrales en el sureño valle de Quinquén.

La Suprema Corte emitió el aviso de desalojo a pedido de la compañía maderera Galletue, pero al final, la compañía aceptó una oferta del gobierno del Presidente Patricio Aylwin para »vender« la tierra al gobierno.

Enfrentado a una creciente presión nacional e internacional, el gobierno chileno pagó a la compañía 6 millones de dólares, evitando por lo tanto, la expulsión de los pehuenche de las 135.000 hectáreas de tierra que el grupo indígena ha estado luchando por obtener legalmente durante más de 20 años.

El gobierno del ex Presidente Salvador Allende (1970-73) implementó un plan de reforma agraria y expropió la tierra de la compañía Galletue para legalizar la presencia de los pehuenche.

En 1974, la dictadura del Gen. Augusto Pinochet (1973-1990) revirtió el plan de reforma agraria y le devolvió la tierra a la compañía. Más adelante, el gobierno de Pinochet autorizó retomar las operaciones madereras en el bosque de pinos araucaria previamente protegido, originario del área.

En 1990, el gobierno de Aylwin aprobó una legislación que hacía de la araucaria un tesoro nacional y una vez más prohibió su explotación en todo el territorio chileno.

El estado pagó entonces U$6 millones de indemnización a Galletue y un adicional de U$5 millones para asegurarse que las araucarias sean conservadas como patrimonio nacional en Quinquén.

Una vez que el principal recurso de la tierra -el pino araucaria- se convirtió en una especie protegida, fue fácil para el gobierno convencer a la compañía de vender.

Para los pehuenche, sin embargo, el resultado no fue lo que estaban esperando, especialmente dado que ningún representante mapuche participó en las negociaciones.

»Al final la tierra no está en manos de sus legítimos propietarios, algo en que la nación entera mapuche tenía esperanzas«, dijo el presidente de *Ad Mapu Metropolitano*, Dagoberto Cachaña. »Este negocio mostró que el gobierno está dispuesto a pagar mucho dinero, no a beneficiar a los pueblos indígenas, sino a aquellos que se apropiaron de nuestra tierra, para evitar un conflicto con ellos.«

Mientras tanto, las autoridades gubernamentales se apresuraron a expresar que »Quinquén es un caso único y un negocio de una vez.« Los mapuche, sin embargo, tienen una perspectiva diferente.

»Si han optado por resolver un conflicto comprando la tierra, otros deberían recibir el mismo tratamiento, pero con una diferencia, los derechos territoriales no deberían pasar a manos del estado. La tierra debería ser devuelta a sus legítimos propietarios, el pueblo mapuche,« dijo Cachaña.

»Hay más de 100 casos similares al de Quinquén. Algunas de esas comunidades también han recibido avisos de desalojo,« dijo el líder mapuche Santos Millao, miembro de la Comisión Especial de Pueblos Indígenas, un grupo creado por el gobierno para revisar cuestiones que afectan a las minorías étnicas.

Millao expresó su voluntad de alentar a las autoridades a negociar estos casos, con la esperanza de que otros grupos indígenas reciban su tierra.

Sin embargo, el gobierno insiste que no se darán otros asuntos similares a Quinquén.

Mientras tanto, el Consejo de Todas las Tierras, una organización mapuche que llevó a varias obtenciones de tierra el año pasado, dijo que el caso Quinquén niega una vez más los derechos territoriales de los pueblos indígenas. »Al comprar la tierra, el gobierno reconoció que la compañía tenía derechos sobre la tierra que pertenece a nosotros,« dijo Millao.

El líder mapuche Nelly Ayenao anunció planes de formar el Primer Tribunal Mapuche. »Sus objetivos incluyen la sanción moral del estado chileno, la iniciación de un proceso de recuperación de nuestras tierras, y demostrar la ineficacia de las cortes, que no han sabido resolver estos conflictos.«

El Consejo de Todas las Tierras anunció también las primeras »recuperaciones« de tierras, ahora que »el plazo que hemos dado al gobierno para permitirle realizar alguna declaración clara sobre nuestras demandas territoriales, ha caducado«, dijo Ayenao.

Fuentes:
Latinamerica Press, 26 de marzo de 1992. ❑

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3. Una implementación acelerada de un plan para obtener bases de infraestructura y servicios vitales – para disminuir el enorme hueco que hay entre las realidades existentes y las condiciones deseadas, y el hueco entre las poblaciones beduinas y judías desde un punto de vista global.

4. Encontrar una solución apropiada al problema de los derechos territoriales que sea aceptable para los beduinos.

5. El establecimiento de autoridades locales de varios tipos; ésto puede contribuir al desarrollo de los poblados.

6. El desarrollo de una base económica viable en los poblados, incluyendo cultivos mixtos y agricultura auxiliar basada en la agricultura, junto con el estímulo y la estipulación de incentivos para las iniciativas para desarrollar las oportunidades de empleo local, como por ejemplo pequeños talleres y fábricas, oficinas etc.

En resumen, el plan presenta una concepción y una política de asentamiento *desde la perspectiva de los habitantes beduinos de Negev*. Esta concepción toma en consideración los aspectos físicos, económicos, sociales, culturales, políticos y territoriales que anteriormente han sido considerados desde un punto de vista unilateral, si es que lo han sido.

Evidentemente la solución propuesta en este plan no podrá satisfacer a todos los segmentos e individuos de la comunidad beduina de Negev. Sin embargo, estamos convencidos de que el plan representa a la comunidad. Creemos que el plan representa los puntos de vista de la mayoría preponderante de los beduinos, y ofrece una solución provisoria apropiada tanto a los problemas de los beduinos de Negev como a la economía de la región en su totalidad. ❑

Fuente: Asociación para el Apoyo y la Defensa de los Derechos de los Beduinos en Israel.

DOCUMENTO IWGIA 70 (en ingles) por Andrew Gray

Beetween the spice of life and the melting pot:
Biodiversity conservation and its impact on indigenous peoples

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Perú: Autodefensa Asháninka en la selva central

Por: Margarita Benavides

Perú

El 26 de diciembre de 1989 se inició en el río Pichis el levantamiento de los *asháninka*. Esta acción fue decisión de las comunidades de esta zona organizadas en la ANAP (Apatyawaka Nampitsi Ashaninka). Fue una acción autónoma en respuesta al asesinato de Alejandro Calderón, jefe máximo y Presidente de la ANAP. Alejandro Calderón fue asesinado por una columna del Movimiento Revolucionario Túpac Amaru (MRTA) que actuaba en la zona del Pichis, Palcazu y Pachitea. Los asháninka se levantaron contra el MRTA, para vengar la muerte de su jefe y como un acto de defensa pues se vieron amenazados por este grupo levantado en armas.

No conocíamos de un levantamiento armado de los asháninka desde los años 1913-14. Si bien los asháninka han resistido con las armas contra los colonizadores innumerables veces, (la más importante de ellas fue la de Juan Santos Atahualpa iniciada en 1742), parecía que desde la segunda década de este siglo la resistencia armada contra las imposiciones foráneas había sido dejada de lado. La resistencia continuó pero bajo otras formas.

El levantamiento de los asháninka, iniciado en 1989, produjo reacciones de la sociedad regional y nacional, la mayor parte adversas a los asháninka. Por un lado, se desató el temor a los asháninka latente en los colonizadores por una tradición de enfrentamiento en torno a la posesión de las tierras. Por otro, sectores políticos, periodísticos y de la opinión pública, con un profundo desconocimiento de la realidad actual de los asháninka y con el prejuicio que existe frente a estos grupos, interpretaron lo que esencialmente era un movimiento de autodefensa, como vandalismo o acciones paramilitares.

Los asháninka son en total aproximadamente 50.000 personas. Están ubicados en diferentes valles de la Selva Alta, en algunos casos incomunicados entre sí. Existen también variaciones idiomáticas entre algunos de estos grupos y lo más importante es que en los diferentes valles existen diferentes organizaciones, donde las decisiones se toman independientemente. La organización de las comunidades asháninka del Pichis es la ANAP. Las del Perené y Satipo están organizadas en la CECONSEC (Central de Comunidades Nativas de la Selva Central). En Satipo también está la FECONACA (Federación de Comunidades Nativas Campa). En el río Ene existió en la década del 80 la OCARE (Organización Campa del río Ene) pero actualmente no existe una organización representativa de todo el valle. En el Tambo existe la CART (Central Asháninka del río Tambo). En el Gran Pajonal la OAGP (Organización Asháninka del Gran Pajonal). En Atalaya la OIRA (Organización Regional de Atalaya). Además está la CONOAP (Consejo Nomatsiguenga y Asháninka de Pagoa).

Cada una de estas zonas tiene su dinámica propia. En algunas está presente Sendero Luminoso (SL), en otras el Movimiento Revolucionario Túpac Amaru (MRTA), en otras se combinan ambos grupos armados. En algunos casos desde hace poco, en otras desde hace años. En algunos casos está presente también el narcotráfico. En algunos sitios actúa el Ejército, en otros la Policía y ahora también la Infantería de Marina. Algunas organizaciones han formado la autodefensa, otras no. Y la autodefensa ha asumido características diferentes según la especificidad de cada lugar y la orientación que le da cada organización.

Algunas de estas organizaciones están afiliadas a AIDESEP (Asociación Interétnica de Desarrollo de la Selva Peruana) y otras a la CONAP (Confederación de Nacionalidades Amazónicas del Perú). Ambas son organizaciones a nivel nacional, AIDESEP con mayor antigüedad y trayectoria de lucha práctica que CONAP. Estas dos organizaciones nacionales tienen contradicciones entre sí. Las contradicciones entre estas organizaciones llevan a complejizar aún más la situación. Esto se ha expresado en una serie de comunicados que se han publicado en los periódicos y a los que haremos referencia más adelante.

El valle del Pichis

El río Pichis corre de sur a norte paralelamente al río Palcazú. Ambos se unen y forman el Pachitea, el cual luego va a desembocar en el Ucayali. Mientras que el río Pichis ha sido habitado tradicionalmente por los asháninka, el Palcazu es habitado por los *yanesha*. En ambos valles existe también población colona con pequeñas y medianas propiedades. En el río Pichis las haciendas, que comenzaron a formarse en la década del 40, se constituyeron sobre la base de la actividad ganadera. El café no encontró en esta zona las condiciones climatológicas apropiadas para desarrollarse, como si fue en los casos de Chanchamayo y Satipo.

El último levantamiento asháninka en el valle del Pichis del que tenemos noticia sucedió entre 1913 y 1914. El auge del negocio

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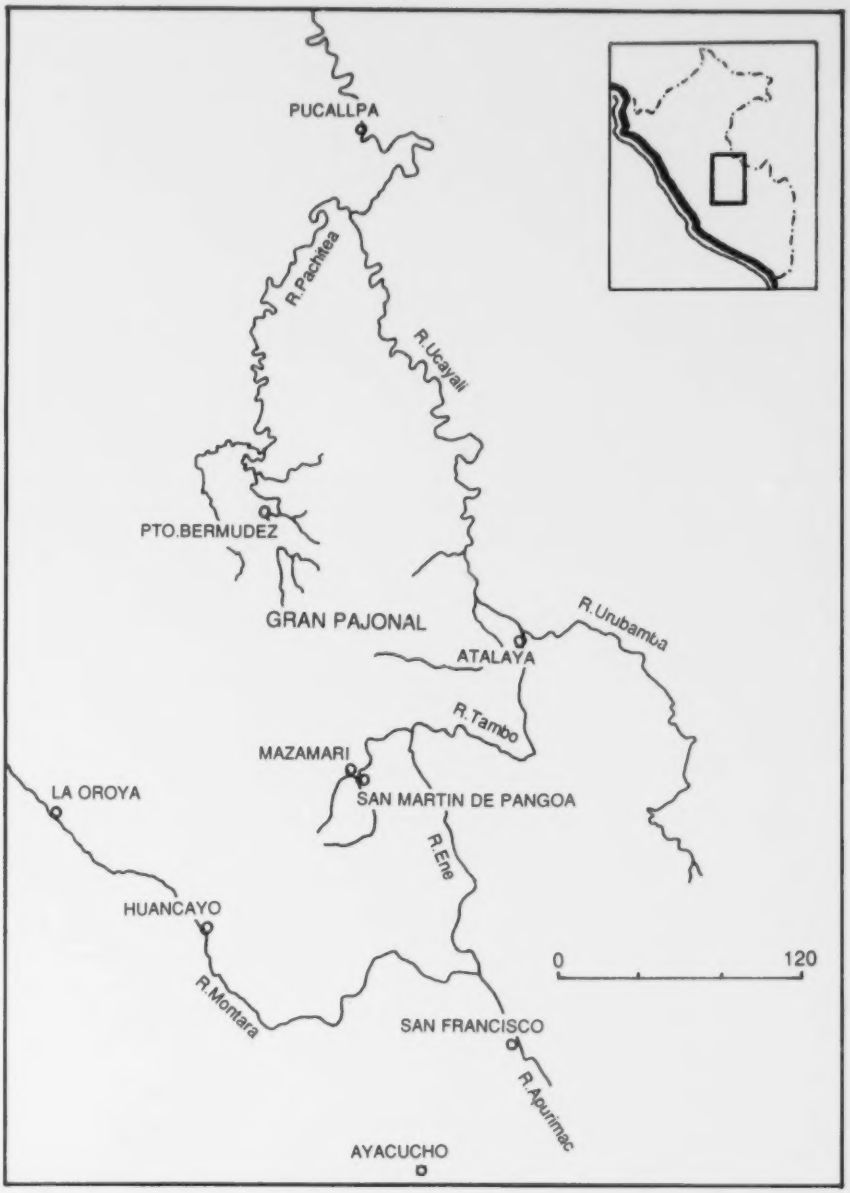
de la explotación del caucho entró en crisis y los patrones caucheros dejaron de cumplir sus compromisos con los asháninkas que extraían caucho. No les pagaron por su trabajo. Los asháninka se levantaron. Los patrones se refugiaron en la misión franciscana de la boca del Apurucayali. Los asháninka atacaron la misión y tanto franciscanos como caucheros huyeron. En esa ocasión los foráneos abandonaron la zona por varios años (Izaguirre 1927, Bodley y 1972).

Después de eso, al parecer, no hubo ningún otro levantamiento, por lo menos no de envergadura. Los asháninka iniciaron un proceso de adaptación a la agricultura como actividad comercial, de modo de poder conseguir productos industriales, especialmente herramientas de metal, escopetas y otros bienes de consumo que ya habían adoptado como parte de sus hábitos. Con la ley de comunidades nativas promulgada en 1974, se inició un vigoroso proceso de reconocimiento y titulación de tierras, reforzado y promovido desde abajo por las organizaciones nativas.

En este contexto es que comenzó a gestarse la actual organización del Pichis y desde entonces destacó Alejandro Calderón como líder. Desde ese entonces se realizaron anualmente los congresos de las comunidades del Pichis y en 1984 se fundó la ANAP. Durante todos estos años la ANAP luchó contra las adversidades por conseguir mejores condiciones para las comunidades. Tierras, educación, salud, comercialización, registros civiles, eran temas persistentes en sus congresos. Y junto a esta lucha reivindicativa se fue forjando un movimiento políticamente autónomo y de valorización de la cultura asháninka, como elementos fundamentales para su identidad. Las comunidades asháninka eran conscientes de que lo que conseguían del Estado era porque se lo arrancaban y Calderón era un líder tenaz a su pueblo.



El asesinato de Alejandro Calderón

El Sábado 8 de diciembre de 1989, a las 11 a.m., llegaron dos personas del MRTA a la casa de Alejandro Calderón en el poblado de Puerto Bermúdez. Sacaron a Calderón con engaño invitándolo a una reunión. Luego fue conducido hasta Puente Palcazu y de ahí río abajo hasta Chaparral, ubicado en Paschitea. En el Chaparral el MRTA tenía uno de sus campamentos. Los del MRTA también condujeron hasta el Chaparral a Rodrigo Chauca y Benjamín Cavero. A los tres les acusaban de haber colaborado con la policía en la captura de Máximo Velando, dirigente del grupo guerrillero del MIR activo en 1965. Calderón y Chauca fueron sometidos a un supuesto »juicio« por los miembros del MRTA. Ambos fueron ejecutados. Cavero permaneció preso. A él también probablemente lo iban a ejecutar, pero consiguió salvarse, huyendo en la ocasión en que el ejército bombardeó el campamento del MRTA el 17 de diciembre de 1989. Según Cavero, Calderón fue ejecutado el 15 de Diciembre. Esto había ocurrido, según le explicó un guerrillero, cuando él, esa mañana, escuchó tres tiros mientras permanecía encerrado. Cuando el ejército bombardeó Chaparral el 17 de diciembre, una mujer guerrillera le abrió a Cavero la »jaula« donde se encontraba preso, le dio un arma corta y le dijo que se salvara como pudiese.

El 18 de diciembre se presentaron en una comunidad del Pichis 22 miembros del MRTA que se encontraban huyendo del Ejército. Obligaron al Presidente de la comunidad a que se conduzca en bote hasta la carretera. El jefe de la comunidad preguntó al jefe de la columna del MRTA si eran ellos los que habían secuestrado a Calderón. Este, mintiéndoles, le dijo que no, que quizás habrían sido los de Sendero Luminoso. En esos días dos del MRTA habían intentado secuestrar a Alcides Calderón, hijo de Alejandro, en Puerto Bermúdez, pero Alcides consiguió zafarse y escapar.

El 20 de diciembre de 1989, AIDESEP, organización a la cual la ANAP está afiliada,

ya había sido informada de la desaparición de Alejandro Calderón y publicó un comunicado en el diario La República exigiendo la aparición con vida del jefe asháninka y demandando al Presidente de la República y al Fiscal de la Nación una exhaustiva investigación sobre su secuestro. Asimismo, solicitó la solidaridad de organismos de derechos humanos, del Consejo Unitario Nacional Agrario, de la Asamblea Nacional Popular y del conjunto del movimiento popular.

Cavero, al huir del Chaparral, demoró dos días hasta llegar adonde los familiares de Calderón. Ahí les informó de que éste y Chauca habían sido ejecutados. Un grupo de asháninkas fueron conducidos por Cavero, hasta el Chaparral en busca del cadáver de Calderón y de Chauca. Pero a pesar de que buscaron esforzadamente no encontraron ningún rastro de ninguna tumba y menos aún los cadáveres.

La respuesta asháninka

El 24 y 25 de diciembre de 1989 se realizó una reunión de las comunidades asháninkas del Pichis en la comunidad de Jordán. En la reunión, los jefes de las comunidades tomaron la decisión de vengar la muerte de su máximo jefe Alejandro Calderón, luchar contra el MRTA y sacarlos de la zona, vivos o muertos. Se estableció un comando. Cada comunidad puso una cierta cantidad de sus hombres, los cuales pasaron a ser llamados »soldados«. En esa reunión se programaron acciones. Se decidió que a los culpables se les capturaría. Ser culpables era serlo directamente del asesinato de A. Calderón o ser militante del MRTA.

Se iniciaron las acciones el mismo 26 de diciembre de 1989. Los guerreros asháninka emboscaron a grupos dispersos del MRTA.

El 5 de Enero de 1990, con un elemental y precario acuerdo previo con las autoridades de Puerto Bermúdez, los asháninka tomaron esta ciudad. Entraron unos 1.000 comuneros armados con arcos y flechas y algunas escopetas. Reunieron a toda la gente, unas 300 y 400 personas, en la plaza. Muchos ya habían abandonado el lugar. Capturaron a 10 sospechosos y se los entregaron a las autoridades de Puerto Bermúdez. Estas, a los pocos días, los dejaron libres.

En la toma de Puerto Bermúdez, las pintadas del MRTA y Sendero Luminoso (SL) fueron sustituidas por las de los asháninka. El arco y la flecha fueron pintados como su símbolo y las consignas fueron: »¡Qué viva la lucha asháninka!« »¡Alejandro Calderón vive!«

Días más tarde tomaron Ciudad Constitución.

El mismo 5 de enero de 1990 salió en el diario La República (Provincias) un comunicado público de la ANAP. En este comunicado la ANAP denunció el asesinato de su Presidente Alejandro Calderón y explicó la razón de sus acciones. Entre otras cosas el comunicado decía lo siguiente:

»Sólo su pueblo puede juzgar a sus dirigentes. Y Alejandro Calderón ha sido nuestro máximo líder durante muchos años, porque defendió como nadie los derechos de nuestro pueblo contra todas las injusticias y para ser libres y respetados. El organizó a nuestro pueblo contra los explotadores... Por ser un hombre valiente de posición lo han muerto«.

»Nosotros no hemos provocado a nadie. Desde ya hace muchos años nosotros somos los perjudicados por lo que está ocurriendo en nuestro río, porque los abusos, las amenazas y la represalia nos llega de todos lados, tanto los ejércitos y los movimientos (se refieren a los grupos levantados en armas). Todos nos presionan a pesar de que este río era nuestro desde tiempos ancestrales«.

Refiriéndose a Máximo Velando dice el comunicado:

»Nadie ha buscado a ese señor, él se apareció en nuestro río como desconocido cuando los policías habían comunicado que estaban buscando un delincuente peligroso, que robaba mujeres y violaba. El (Máximo Velando) no explicó, sólo dijo que era Servicio de Inteligencia, pero no explicó bien. Por eso los comuneros vieron algo extraño y lo llevaron a Bermúdez. Eso no es culpa de nadie ni permite matar a un jefe indígena«.

»Ahora el MRTA de la zona sigue buscando a otros dirigentes de la ANAP y estamos en el monte con nuestros trabajos abandonados. Así vemos que el MRTA de este río no quiere organización indígena y sólo ellos saben todo. Nosotros no valemos nada para ellos y sólo quieren obligarnos por la fuerza«. »Nosotros no vamos a dejar que nos abusen y que nos maten en nuestra propia tierra. Si nos desconocen como indígenas y nos desprecian, nosotros también somos fuerza«.

»Esto queremos explicar para que se sepa que somos una organización indígena que estamos defendiendo a nuestro pueblo y que nadie se confunda que cosa hacemos, ni ejército, ni movimiento, ni partidos«.

El sábado 6 de Enero de 1990 AIDESEP publicó un comunicado en el cual rechazó el asesinato de A. Calderón, se solidarizó con la ANAP y reafirmó el derecho de los pueblos indígenas a la autodeterminación.

Las acciones de legítima defensa de los asháninka fueron interpretadas por algunos medios de prensa en forma sensacionalista, en base a supuestas informaciones secundarias de pobladores que salían a La Merced. Se intentó falsamente vincular a los dirigentes del levantamiento asháninka con estudiantes de la Universidad de Villareal, con el claro propósito de relacionarlos a los paramilitares apristas. Por otro lado se hizo un llamado al Ejército para que intervenga y se acusó a los asháninkas de actos de vandalismo y pillaje.

AIDESEP, en un comunicado público del 28 de enero de 1990 (La República), rechazó estas falsas acusaciones y previno y denunció los llamados a la intervención represiva del Ejército.

Asháninkas y Yaneshas

Los yanesha son aproximadamente 5.000 personas. Parte importante de este pueblo indígena está asentado en el valle del Palcazu, el cual corre paralelamente al Pichis. Ambos valles están separados por la cordillera de San Matías. Entre los asháninka del Pichis y los yanesha del Palcazú existen antiguos vínculos de hermandad. Ambos pueblos estuvieron organizados juntos hasta 1978 en que por razones prácticas (distancia geográfica y diferente lengua materna) decidieron tener cada uno su propia organización. Esta separación se hizo en un contexto de hermandad, tanto así, que firmaron un acuerdo de apoyarse y asistirse ante cualquier agresión.

En base a esta relación de hermandad tres dirigentes de la FECONAYA, en los primeros días de enero de 1990, viajaron al río Pichis al encuentro de la ANAP, para expresarles su solidaridad y solicitarles su apoyo, pues los yanesha también querían librarse de las presiones políticas que vivían de parte de los grupos alzados en armas.

En esta reunión ambas organizaciones tomaron el acuerdo de que la ANAP respondería a este pedido de los yanesha y se convino en que los asháninka entrarían al Palcazu por la parte alta y los yanesha iniciarían una acción desde la parte baja. Ambos se encontrarían en el medio Palcazu. En estas acciones se capturaría a los sospechosos de ser miembros del MRTA.

Los asháninka cumplieron con su compromiso y entraron por el Alto Palcazu. Más tarde la CONAP, organización nacional a la cual está afiliada la FECONAYA, hizo público un comunicado el 17 de febrero de 1990, en el cual acusa a los asháninka del Pichis de haber iniciado una ofensiva militar

contra los yanesha, insinúa que esta acción ha sido alentada desde fuera y exige al gobierno y a las autoridades asumir la pacificación de la zona.

Los asháninka organizados en la ANAP, al informarse a través de este comunicado de que existían contradicciones entre la FECONAYA y la organización nacional de ésta, la CONAP, y de que se acusaba falsamente a los asháninka de agredir a los yanesha, se retiraron al valle del Pichis y llamaron a los dirigentes de la FECONAYA a una reunión para aclarar su posición.

Esta reunión se realizó en la comunidad nativa de Cahuapanas (río Pichis) el día 3 de Marzo de 1990. En esta reunión los dirigentes de la FECONAYA se reafirmaron en su relación de hermandad con la ANAP y Juan López Gaspar, Cornesha (Presidente) de la FECONAYA, se comprometió a aclarar públicamente su posición. En comunicado publicado en La República el 5 de marzo de 1990 desmintió al Presidente de la CONAP y afirmó que »la FECONAYA ha coordinado para la acción de guerra en el valle del Palcazu«. Hizo referencia al comunicado de la FECONAYA del 10 de febrero de 1990 en La República, en el cual expresaron su solidaridad y coordinación con la ANAP.

Por su lado, la ANAP, en comunicado público del 13 de Marzo de 1990 (La República 17 de Marzo) *»saluda la hermandad y solidaridad del pueblo yanesha en nuestra lucha conjunta para la liberación y pacificación de los valles del Pichis y Palcazu«*. Rechaza las falsas acusaciones de haber saqueado, violado e invadido territorio yanesha y de haber matado a 5 hermanos del pueblo yanesha. Expresa su *»orgullo de que los asháninka sabemos hacer que se nos respete, porque con el propio esfuerzo de nuestros hombres y nuestras mujeres hemos defendido nuestros territorios y cultura indígena«*. Anuncian públicamente que *»la lucha del pueblo asháninka del Pichis ya ha cumplido sus objetivos con los resultados que buscábamos y que ahora nuestro pueblo otra vez está en paz y comienza a trabajar. Pero también queremos decir que quedamos alertas y preparados para que nadie vuelva nunca a abusar de nuestro pueblo y que sabremos defendernos contra cualquier agresor como ya hemos demostrado. Queremos también pedir a las autoridades y a todos en general, que comprendan los motivos de nuestra lucha por causas de justicia, y que se evite cualquier represalia contra nuestras comunidades y nuestros dirigentes, y que podamos vivir en paz y con desarrollo tranquilo«*.

Terminan el comunicado diciendo: *»Queremos por último recordar con la mayor emoción a nuestro Pinkatzari, Alejandro Calderón, como mártir de nuestro pueblo y decir que su muerte no ha sido en vano porque esta guerra nos ha enseñado mucho cómo debemos tener fuerza como indígenas, por encima de cualquier interés ajeno. Con su muerte comenzó la lucha del Pichis. Para él dedicamos la paz que hemos logrado«*.

Asháninkas »recuperados« en Cutivirene. Río Ene. Foto: Archivo de IWGIA.

El Ejército

El ejército Peruano se había retirado de la zona de Puerto Bermúdez mucho antes del inicio del levantamiento de los asháninka. Los del MRTA eran »dueños« de la zona. Durante las acciones de los asháninka el Ejército no estuvo en la región. No intervino en las acciones de la ANAP y menos aun las dirigió. Los asháninka sí enviaron una comisión para que solicite al Ejército apoyo en armas, no para que venga en las acciones. El Ejército negó este apoyo en armas argumentando que si se les daban armas modernas podían ser tomados luego como subversivos.

En abril de 1990 llegaron 150 infantes de Marina a Puerto Bermúdez. Estos llegaron cuando la zona ya estaba tranquila y los asháninka habían vuelto a su vida normal.

El MRTA

El MRTA anunció públicamente en un pronunciamiento (diciembre de 1989) ser responsable del asesinato de Alejandro Calderón. El pronunciamiento contenía varios puntos referidos al ataque del Ejército al campamento del MRTA y a abusos cometidos por el Ejército contra la población campesina. En uno de los puntos reivindicaba el asesinato del jefe asháninka. Dice así:

»En los primeros días del mes de diciembre un destacamento guerrillero del MRTA ubicó y capturó a Alejandro Calderón Espinoza y dos de sus cómplices. Estos elementos fueron quienes en 1965, entregaron al ejército al Comandante Máximo Velando, uno de los jefes guerrilleros del MIR. Además de su antiguo crimen, Calderón y uno de sus lugartenientes se habían convertido en la actualidad, en piezas claves de las Fuerzas Armadas y sus planes para formar bandas paramilitares en la zona. Por estos delitos, un Tribunal Revolucionario del MRTA procedió a juzgar y ejecutar después a estos sujetos reaccionarios« (Revista »Cambio« 28.12.89).

Posteriormente, en declaraciones al diario El Nacional (29.1.90) miembros en la dirigencia nacional del MRTA, en relación al asesinato de Calderón, declararon lo siguiente:

»Calderón fue sometido a un juicio después de evaluar su comportamiento por los hechos del 65. Se le encontró culpable. Muchos de nosotros nos hemos educado bajo las enseñanzas de las guerrillas del 65. No es que exista en nuestro ánimo una sed de venganza pero se llegó a la conclusión de que una delación no debería quedar impune y por eso lo ajusticiaron. La dirección del MRTA sin

Muchos niños se encuentran en tercer grado de desnutrición. Foto: Archivo de IWGIA.

embargo cree que allí existió un apresuramiento, pues no se analizaron a profundidad las implicancias que ese hecho iba a tener, porque después de 25 años la situación del señor Calderón ante las masas, en las que él tenía representación había cambiado y lo que nos faltó fue la explicación ante el pueblo de los cargos que pesaban sobre él. Nos parece ahora, a raíz de los acontecimientos, que hubo de parte de los compañeros de la región del oriente un apresuramiento y que actuaron sin visualizar las consecuencias«.

En las declaraciones de la dirigencia nacional del MRTA, no se menciona para nada los supuestos vínculos de Calderón con los paramilitares. Cavero, asháninka que estuvo también preso en »Chaparral«, sostiene que en el juicio a Calderón sólo se menciona su participación en los acontecimientos de 1965. No se le hace ninguna acusación de estar vinculado a paramilitares. Tanto ANAP como AIDESEP han rechazado la supuesta vinculación que se hizo, en el pronunciamiento del MRTA, de Calderón con los paramilitares.

Efectivamente, como declaró la dirigencia nacional del MRTA, los que ejecutaron a Calderón no evaluaron las graves consecuencias que para ellos este hechos tendría. Con el asesinato del líder máximo de la ANAP, el MRTA se ganó la enemistad y el odio de los asháninka, que hasta entonces se habían mantenido en una actitud neutral y según algunas versiones hasta habían algunas expresiones de simpatía hacía este grupo levantado en armas. Sin embargo, el asesinato de Calderón significó para los asháninka el desprecio por su organización y sus sacrificados esfuerzos en la lucha por alcanzar su autonomía.

Algunos medios de comunicación, entre ellos, la revista Cambio, han interpretado el levantamiento asháninka contra las imposiciones del MRTA como acciones vinculadas al Ejército Peruano. Al parecer no han podido comprender la profundidad del error del MRTA de haber asesinado al Pinkatzari asháninka. Y si hay algún responsable de que los asháninka se hayan volcado contra el MRTA y que hayan eliminado a algunos de sus militantes éste es el propio MRTA, al haberlos provocado, agredido y ofendido de manera tan directa.

La revista »Cambio« desató una campaña contra los asháninka vinculándolos al Ejército y acusándolos de abusos, menospreciando a los pueblos indígenas y a la ANAP, que reiteradamente expresaron públicamente la causa de sus acciones y la autonomía de su movimiento. Cambio mostró dificultades para comprender que el pueblo asháninka actuó con sus propias fuerzas y por iniciativa propia. Las organizaciones asháninkas recurrieron a solicitar armas o algún nivel de apoyo al Ejército y a las autoridades del Estado no porque confiaran en ellos o porque fueran a renunciar a su autonomía solicitando este apoyo, sino porque con el ase-

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sinato de Calderón vieron al MRTA como una amenaza concreta, pues ejecutó a su jefe y hostigó a sus dirigentes, de allí la necesidad de defenderse como individuos y como organización. Está claro que los responsables son los del MRTA que no han sabido respetar a un pueblo, y no han sabido comprender las profundas reivindicaciones indígenas por su autodeterminación. En vez de intentar ganarlos, los han alejado con sus actitudes prepotentes y de subestimación del pueblo indígena.

Por otro lado, queremos dejar en claro que las opiniones que vertimos acá se centran en la acción concreta del MRTA en relación a los asháninka del Pichis. No estamos haciendo un enjuiciamiento de la acción global del MRTA ni de los ideales que lo motivan.

La Defensa de los Asháninka

Los asháninka se han levantado en legítima autodefensa. Las ejecuciones de miembros del MRTA han sido dentro de este marco de autodefensa. Algunas personas y organizaciones desde Lima han estado haciendo llamados a la paz a los asháninka como si ellos hubiesen provocado esta situación o querido la guerra. Los asháninka no hubiesen querido esta guerra. Por causa de ésta, no han podido atender debidamente sus cultivos y han sufrido la escasez de alimentos y recursos económicos. Los asháninka no tenían otra alternativa. Habían de ser ellos, su organización y su autonomía quienes prevalecían o serían los del MRTA. La preocupación por los Derechos Humanos es una preocupación legítima. Y en este caso estaban de por medio la vida y la existencia del pueblo asháninka. No han sido ejecuciones gratuitas y arbitrarias. Han sido ejecuciones en legítima autodefensa. Nadie quiere esta situación, ni los asháninka ni nadie. Lamentablemente, nuestro país se encuentra en medio de una gran encrucijada de violencia y los pueblos, en estas circunstancias, tienen el derecho de defender sus vidas.

Bueno sería que se saquen lecciones de esta experiencia. Los asháninka del Pichis han sacado la suya: que son capaces de hacerse respetar. El MRTA ha sacado la suya: que no se puede agredir o actuar prepotente e impunemente contra el pueblo; y que deben respetar a los pueblos indígenas amazónicos que han optado por su autonomía.

En la defensa de la libre autodeterminación de los pueblos indígenas no hay intenciones separatistas. Hay la defensa del derecho a ser reconocidos como pueblos, cuya existencia ha sido negada sistemáticamente durante 500 años. Y en esta lucha hay un potencial revolucionario por alcanzar la democracia y la justicia para nuestra sociedad.

Es posible que esta reflexión ayude a sectores de izquierda a librarse de preconceptos dogmáticos y plantear proyectos de liberación nacional más acordes con nuestra realidad y, por tanto, más viables para una transformación de nuestra sociedad en una sociedad más justa. Pero para ésto es necesario comprender que el pueblo peruano está compuesto por sectores muy diversos y todos ellos deben tener cabida en un proceso revolucionario sin imponerle a ninguno una camisa de fuerza.

Recordemos la dura experiencia del Frente Sandinista de Nicaragua con los pueblos indígenas de la Costa Atlántica. Las contradicciones que existieron entre éstos se resolvieron cuando el Frente Sandinista rectificó su actitud antidemocrática hacia estos sectores y les dio cabida en el proceso revolucionario, al reconocer las legítimas reivindicaciones de los pueblos indígenas.

El valle del Ene

Hasta la década del 80 la colonización tuvo poco impacto en el valle del río Ene. La expansión de la frontera agrícola y demográfica era incipiente en esta zona. Los asháninka desarrollaron su economía y vida social básicamente en términos del autoconsumo y según los patrones de su cultura tradicional.

A partir de 1979, una inusitada ola de migrantes, en su mayoría de origen ayacuchano, fluyó por el río Apurímac hacia el río Ene. Estos colonos venían en su mayoría organizados en cooperativas, forma poco común de colonización en el área de la Selva Central.

Se crearon choques y hasta enfrentamientos armados entre los colonos y la población asháninka local, la cual defendía la posesión de sus tierras. Al final, los colonizadores se impusieron y se posesionaron de importantes áreas en ambas márgenes del río Ene. En un lapso de aproximadamente 4 años, de 1979 a 1983, el Ene pasó de ser un valle poblado casi exclusivamente por asháninkas, a estar compuesto demográficamente en un 43% por población colona y el 57% por población asháninka (Ordoñez, 1985) (1).

El promedio de hectáreas por familia reconocidas y tituladas en favor de la población asháninka en forma de tierras comunales en el valle del río Ene es de 201 hás., con lo cual, a pesar de las invasiones de los colonos, es la zona en que el Estado ha reconocido mayor extensión territorial en favor de las asháninkas y donde éstos disponen de mayor acceso a los recursos del bosque.

El reconocimiento y propiedad de las tierras de la población colona quedó pendiente. Si bien el ordenamiento de la tenencia de la tierra de la población asháninka, realizado en 1982, contribuyó a disminuir el conflicto entre asháninkas y colonos, éste seguía como elemento detonante. Por otro lado, las cooperativas y asociaciones de colonos asentados como agricultores individuales no se libraron de conflictos internos, creándose divisiones y pugnas entre diferentes sectores (Ordoñez 1975).

Con la ola migratoria se introdujo al río Ene el cultivo del cacao y, hacia 1983, el de la coca. Los narcotraficantes promovieron el cultivo de coca pagando altos precios y asegurando un mercado a los productores. Los narcotraficantes utilizaban las pistas de aterrizaje de algunas comunidades nativas y centros poblados colonos.

La presencia del Estado en el río Ene ha sido débil. La acción más significativa de éste ha sido el proceso de reconocimiento y titulación de tierras de las comunidades nativas.

Otro campo en que el Estado tuvo alguna presencia en este valle ha sido en el sector Educación. Esta es una presencia relativa, ya que parte importante de este trabajo lo hizo valiéndose de su convenio con el Instituto Lingüístico de Verano (ILV). En 1983 existían entre la población asháninka 24 centros de educación primaria, en su mayoría con profesores bilingües preparados por el ILV y 5 centros educativos entre la población colona con profesores originarios de la Sierra (Ordoñez 1985). En el valle existía un sólo colegio Secundario. La mayor parte de las escuelas se encuentran actualmente sin profesor a causa de la situación de violencia.

En el área de salud existía sólo una posta médica en la misión de Cutivireni, actualmente destruida. Desde 1981 hasta 1983 el Proyecto Especial Pichis Palcazu tuvo una oficina en el poblado de Cutivireni, misión franciscana fundada y dirigida por el misionero norteamericano Mariano Gagnon. Fue hasta 1989, el centro poblado asháninka más importante del río Ene. La infraestructura de la misión la convirtió en el centro más importante de servicios en el valle. En ésta vivían 800 asháninkas hasta 1990, en que la misión fue completamente destruida por Sendero Luminoso.

Parte importante de los asháninka de Cutivireni, luego del asesinato de sus principales dirigentes y profesores, hicieron la resistencia armada a Sendero Luminoso. Al final, al no tener la fuerza suficiente para combatir a Sendero Luminoso, fueron eva-

cuados a río Urubamba 213 asháninkas con el apoyo del misionero franciscano y de un explorador francés que trabajaba en la zona (Gorriti 1990).

En todo este proceso en que Sendero fue tomando control sobre la población del Ene hubo mayor oposición de fuerzas militares o policiales peruanas. En 1989 y 1990 la DEA (Drug Enforcement Administration), en combinación con fuerzas policiales (*sinchis*), hicieron algunas entradas a la zona en helicópteros, pero con el claro objetivo de combatir el narcotráfico e identificar pistas de aterrizaje y laboratorios. Al parecer bombardearon algunas pistas de aterrizaje que servían a los narcotraficantes.

Hasta mayo de 1991 el valle del Ene era una zona donde Sendero había instaurado su dominio. El Estado no tenía prácticamente ninguna presencia en esta área. Asháninkas y colonos que no estaban dispuestos a seguir las órdenes de Sendero no tenían más alternativa que abandonar el área, empresa que no es nada fácil. Desplazados del Ene se encuentran en Satipo y Urubamba. En mayo de 1991 el Ejército realizó un operativo con 500 soldados en el valle del Ene. Establecieron tres bases militares desde donde organizaron operativos conjuntos con la población organizada en autodefensa, con el fin de »recuperar« a la población que se encuentra bajo el mando de Sendero Luminoso.

En la década del 80 surgió en el valle del Ene la Organización Asháninka del río Ene (OCARE) que intentó cohesionar a los indígenas del valle. Esta organización no logró sentar bases sólidas. Su líder principal Isaías Charete fue asesinado por Sendero Luminoso en 1989, pero a diferencia de lo que sucedió en el Pichis, en este caso no hubo ningún levantamiento de la población.

Los valles de Sonomoro, Pangoa y Tambo

En 1989 Sendero Luminoso inició su expansión desde el río Ene hacia los valles del Sonomoro, Tambo y Pangoa.

Los sinchis han vigilado el valle del Sonomoro desde 1965, cuando se desarrollaron en esta zona incursiones de las guerrillas del MIR. Los sinchis, entrenados específicamente en acciones antisubversivas, tienen localizado su cuartel en Mazamari, prácticamente a la entrada del valle del Sonomoro.

Desde que Sendero Luminoso hizo su aparición en el valle, la población asháninka y colona de la zona se vio cada vez más presionada. Esta es una zona productora de café y frutales. Sendero Luminoso prohibió el cultivo del café y orientó hacia la producción exclusiva de productos para el autoconsumo. El temor a los reclutamientos forzados obligó a muchos de los asháninkas a esconderse en el monte y a abandonar sus chacras. Muchos de los colonos de la zona salieron de regreso hacia sus lugares de origen. Los profesores, frente a la situación de inseguridad, incluyendo la desaparición de varios de ellos, abandonaron las escuelas, las cuales en su mayoría no funcionan desde 1990.

Algunas comunidades del valle han conseguido mantenerse neutrales, defendiendo su autonomía y su sobrevivencia física, haciendo un difícil equilibrio entre los senderistas y los sinchis y ocultando a los jóvenes y niños para evitar que sean reclutados por Sendero. Esta situación les ha impedido atender debidamente los cultivos de la chacra, incluso aquellos destinados al autoconsumo, con graves consecuencias para su nutrición y salud.

Otras comunidades que fueron agredidas directamente por Sendero Luminoso con el asesinato de sus jefes o de comuneros que se oponían a ellos, y donde este difícil equilibrio no se cultivó o se rompió y se optó por organizar rondas de defensa y combate a Sendero, han sido duramente castigadas por este grupo armado con asesinatos masivos de hombres, mujeres y niños. Por su parte, las rondas también han conseguido golpear a Sendero produciéndoles bajas.(2)

La CONOAP (Concejo Nomatsiguenga y Asháninka del Pangoa) y la CART (Central Asháninka del Río Tambo), ambas afiliadas a la CONAP (Confederación de Nacionalidades de la Amazonía Peruana) mantuvieron una posición de equilibrio entre Sendero Luminoso y las fuerzas represivas del Estado, denunciando a ambas fuerzas como violadores de los derechos humanos. La CONAP incluso censuró e hizo campaña contra las organizaciones indígenas que se enfrentaron a los grupos levantados en armas, acusándolas de estar siguiendo la política contrasubversiva de los militares. Sin embargo, el acoso de Sendero Luminoso, que rechazaba la organización indígena, obligó a la CART a tomar posición frente a Sendero Luminoso, y en su Congreso de julio del 90 las comunidades del Tambo decidieron organizar la autodefensa. Al concluir el Congreso sus principales dirigentes fueron secuestrados y asesinados por Sendero Luminoso. Sin embargo la CART ha continuado con las acciones de autodefensa.

De la zona del Alto Tambo, Bajo Perené y Pangoa, han sido desplazadas numerosas familias asháninkas hacia Satipo. El hecho de sentirse amenazadas por SL o el terror de vivir bajo su dominio y la no existencia de formas organizadas de autodefensa, los ha obligado a migrar hacia la ciudad de Satipo (3). En la ciudad no hay nada organizado para recibir y albergar a estas familias, de modo que después de deambular algunos días por la ciudad suelen emplearse como peones con algún colono del lugar.

Alto Perené y Satipo

La zona del Alto Perené y Satipo es un área de antigua colonización. La expansión de la frontera demográfica y agrícola en esta zona tomó un fuerte impulso desde principios de este siglo con el cultivo del café, el cual se intensificó en la década del 40, cuando subieron significativamente los precios de este producto en el mercado internacional. Las carreteras de penetración al Alto Perené y al valle de Satipo datan de principios de este siglo, y luego en la década del 70, los dos valles se unieron con la construcción de la Carretera Marginal.

Este antiguo proceso de colonización ha tenido una importante repercusión en la población asháninka, moradores tradicionales de estos valles. El impacto sobre su territorio fue tal, que hoy en día es una de las áreas a nivel nacional en donde la población nativa se encuentra en peores condiciones con respecto a la tenencia de la tierra. El promedio de tierras por familia al interior de las comunidades nativas entre los asháninka de ésta zona es de 13 hás.

Los asháninka se encuentran dentro de comunidades nativas rodeadas por población colona. La población colona está conformada por pequeños o medianos agricultores de café y frutales. En las comunidades se cultiva la yuca para el autoconsumo y el café como principal producto comercial (Swenson 1986).

Sendero Luminoso hizo sus primeras incursiones en estos valles en 1988. Grupos de paso conversaban con la población y le planteaban su ideología. La población permaneció entre indiferente y expectante hasta que, en 1989, comenzaron a hacerse más evidentes los métodos autoritarios de Sendero Luminoso.

Sendero Luminoso dispuso que se abandone el cultivo del café para dedicarse exclusivamente a los productos de autoconsumo. Este dispositivo, que en lugares como el río Ene, donde el bosque aún existe y hay recursos de caza, pesca y recolección, puede ser viable, en el área del Perené y Satipo se hace inviable. El bosque está altamente depredado y los recursos naturales de caza, pesca y

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Zanja construida en una casa ashanínka del Río Ene para defenderse de cualquier ataque. Foto: Archivo de IWGIA.

recolección son prácticamente inexistentes. La población asháninka, aunque en menor medida que los colonos, orienta su producción y consumo principalmente al mercado.

Sendero Luminoso fomentó la disolución de las comunidades nativas a las cuales tildó de »rezagos del viejo Estado« y la renuncia de las autoridades comunales. El propósito de SL era instituir los comités populares entre la población asháninka y a través de éstos ejercer su dominio. Para los asháninka la comunidad nativa, si bien es el resultado de la colonización y del despojo de su territorio, es también un elemento de cohesión interna para la defensa de las tierras que aún poseen.

Sendero Luminoso inició la captación y el reclutamiento forzoso de jóvenes y niños. Este fue el punto de mayor contradicción con los asháninka.

Animadas por el levantamiento y éxito de los asháninka del río Pichis en contra del MRTA, las comunidades del Perené y Satipo, organizadas en la CECONSEC, se reunieron en febrero de 1990 y decidieron organizar la autodefensa y combatir a Sendero Luminoso. Por su lado, algunos colonos organizaron también su autodefensa.

Los asháninka concentraron a sus combatientes a los que denominaron »ejército asháninka«, en Aldea Pichanaqui. Se solicitaron cupos voluntarios a comunidades y pueblos de colonos para el mantenimiento del »ejército asháninka« a cambio de lo cual se entregaron recibos. El objetivo de la formación del »ejército asháninka« era reforzar a comunidades con menor población que eran asediadas por Sendero. Se establecieron controles en la Carretera Marginal con el propósito de ubicar y capturar a senderistas.

La FECONACA (Federación de Comunidades Nativas Campa), otra organización de comunidades nativas del área de Satipo, puso un control en la carretera a la altura de la comunidad de Yavirironi. En este lugar se produjo, en Junio de 1990, un enfrentamiento entre miembros de la COCONSEC y la FECONACA, con el resultado de varios muertos y heridos.

Entre estas dos organizaciones existían antiguas contradicciones. La CECONSEC criticaba al líder principal de la FECONACA por sus métodos de trabajo personalista. Uno de los críticos más fuertes a la FECONACA fue el secretario de defensa de la CECONSEC, Antonio Ungaro, quien desapareció en este control el 23 de marzo de 1990. Exacerbaron aún más las contradicciones entre éstas dos organizaciones las diferencias que a su vez habían entre las confederaciones a nivel nacional a las que estas organizaciones estaban afiliadas. La CECONSEC está afiliada a AIDESEP y la FECONACA a CONAP.

El enfrentamiento entre la CECONSEC y la FECONACA sucedió la noche del 4 de junio de 1990, cuando 54 miembros del »ejército asháninka« se trasladaban de su sede en la comunidad de Aldea Pichanaki a Tsiriari con el fin de reforzar la defensa de esta última comunidad. Conscientes de los problemas que podrían surgir en el control de Yavirironi, iban escondidos en la parte de atrás del camión. Los encargados del control

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interceptaron al camión y al registrarlos, dispararon contra los que estaban escondidos. Murieron 7 y el resto consiguió huir.

En julio de 1990 la CECONSEC denunció la existencia de una banda de asháninkas y colonos que, haciéndose pasar como miembros de la autodefensa asháninka, estaban robando y extorsionando a la población (4).

Evaluando la CECONSEC que sus acciones de autodefensa estaban siendo aprovechadas por delincuentes y que ya habían conseguido un relativo repliegue de Sendero de las comunidades de Satipo y Alto Perené, decidieron disolver al »ejército asháninka« y dejar de hacer los controles en las carreteras. Después del repliegue de la autodefensa asháninka, los militares han impulsado la organización de rondas entre los colonos y a éstas han sido incorporadas algunas comunidades asháninka.

La autodefensa asháninka se hizo con el conocimiento de las autoridades civiles y militares pero éstas no intervinieron en forma directa en las acciones de autodefensa. Los asháninka organizaron la autodefensa contra Sendero Luminoso como única alternativa frente a la incapacidad del Estado y de las fuerzas policiales y del Ejército para protegerlos.

Acciones del Ejército Peruano y de los sinchis contra la población civil en esta zona han sido denunciadas por organismos de derechos humanos (5). Los sinchis han sido denunciados por la propia CECONSEC por haber realizado abusos y extorsiones contra la población (6). Las denuncias al Ejército hechas por estos organismos son anteriores a la instalación de la base militar de Satipo. Esta base está instalada desde abril de 1990.

En las acciones de autodefensa de los asháninka han perdido la vida miembros de Sendero Luminoso. Esto ha sucedido en los enfrentamientos armados y también a raíz de las capturas realizadas en los controles. Cuando miembros de la autodefensa llevaron a sus prisioneros a las autoridades éstas los han rechazado diciendo que ellos »debían encargarse«.

Las ejecuciones extrajudiciales que han habido por parte de la autodefensa asháninka y de los colonos, deben ser vistas como responsabilidad principal del Estado, que no provee en estos lugares de las directivas ni de los medios indispensables para que las personas que son capturadas sigan un proceso en los términos en que la Constitución y la ley mandan. Por otro lado las autoridades civiles, militares y policiales están muy lejos de entender al Estado como una institución democrática, cometiendo ellos mismos violaciones a los derechos humanos.

En el área de Satipo y Perené, Sendero Luminoso ha perdido una batalla, en lo cual la autodefensa asháninka ha tenido una influencia importante.

Conclusión

Es difícil saber hasta qué punto Sendero Luminoso ha captado asháninkas para su partido y movimiento y hasta qué punto controla a esta población por la fuerza de las armas. Sin embargo, la información recogida indica que lo predominante es la imposición por la fuerza y el terror.

Sendero Luminoso tiene la capacidad de desatar rabias almacenadas de generación en generación por las injusticias sociales que el Estado Peruano, a través de la historia, antes de resolver, en muchos casos ha fomentado (Montoya 1991). Esta rabia desatada engrosa en parte las propias filas de Sendero Luminoso, alimentando las acciones de violencia que ellos promueven. Pero también ha desatado la rabia de un sector importante del pueblo decidido a combatirlo, que lejos de ver en SL al abanderado de la justicia social, ve en él un férreo dictador que decide con mucha arbitrariedad sobre la vida y la muerte de las personas.

En el éxito de la autodefensa de los asháninka del valle del Pichis influyó la combinación de diversos factores:

1.- El 80% de la población del valle del Pichis es asháninka y posee una amplia área del valle, lo cual le permite tener, a través de su organización, un control importante de lo que sucede en su área territorial (7).
2.- Tenían una organización con años de formación y un líder legitimado que cohesionaba las comunidades del valle. El asesinato de este líder querido desató la indignación del pueblo.
3.- El grupo armado al que se enfrentaron fue el MRTA y no SL.El MRTA, ya debilitado, al ver la reacción de los asháninka ante el asesinato del jefe y la legitimidad que éste tenía ante su pueblo, antes del enfrentamiento masivo contra los asháninka optó por retirarse del valle.
4.- La disposición de los asháninka a luchar por la autodefensa, su capacidad organizativa y la existencia de líderes en condiciones de encabezar la lucha.
5.- La vigencia de creencias que dentro de la cultura asháninka refuerzan el poder del guerrero.

Si bien en el Perené y Satipo la existencia de la CECONSEC, como organización asháninka que defiende la autonomía indígena sobre las bases democráticas de su propio pueblo, ha contribuido a organizar la autodefensa y ha producido un importante repliegue de Sendero Luminoso de las comunidades, el hecho de que sean tan sólo el 10% de la población del valle y dispongan de un territorio sumamente fraccionado y restringido les ha impedido tomar un mayor control de la situación.

En el valle del Ene no existía una organización indígena que cohesione a las comunidades tras un proyecto autónomo. La influencia del narcotráfico, el cultivo de la coca y la casi nula presencia del Estado facilitó a SL el control de esta zona. En el caso del río Tambo, si bien existía la CART, ésta al parecer no tenía un proyecto de autonomía indígena tan claro, y cuando se decidió organizar la autodefensa, Sendero Luminoso ya había alcanzado suficiente control en la zona del Alto Tambo para impedirlo. Actualmente la CART con su organización de autodefensa en Poyeni, está impidiendo que Sendero Luminoso avance hacia el bajo Tambo.

En los casos de Bajo Perené, Pangoa y Sonomoro la organización indígena a nivel de federaciones es sumamente débil. La autodefensa que se ha hecho en estos valles, ha sido más por iniciativa de cada comunidad, sin un nivel de cohesión y dirección mayor. Esta forma es la que ha asumido también la autodefensa de la población colona, que no ha tenido una organización que la cohesione a niveles superiores. De ahí la mayor intervención del Ejército en estos casos.

Del análisis de lo sucedido en las diferentes zonas asháninkas podemos concluir que la autodefensa ha sido la fuerza principal para impedir el avance de Sendero Luminoso y su autoritarismo dogmático. Por otro lado, es notorio que donde la autodefensa ha tenido más éxito es donde ha habido mayor organización de base y mayor claridad en un proyecto indígena propio. Los diferentes sectores de la sociedad y el Estado deberían reconocer la importancia de este movimiento.

En lo que se refiere a la lucha concreta en esta zona, el Estado debe dar el ejemplo en lo que se refiere al respeto a los derechos humanos y proveer de los medios y canales para que la autodefensa pueda actuar en los términos de la Ley y la Constitución. No se trata de ver quién impone más terror, si Sendero Luminoso o el Estado a través de sus Fuerzas Armadas y Policiales. Se trata de ver quién da mayores garantías a la población para una vida más justa y más democrática.

La autodefensa asháninka debe ser fortalecida desde sus propias bases, como única

garantía real en la actualidad para la defensa de un proyecto democrático y autónomo. El Estado debe transformarse para dar cabida en él a estos proyectos indígenas desde una posición pluralista y a la vez unitaria.

Notas

(1) La población del valle del Ene era en 1983, de 5.806 asháninkas y 4.370 colonos (Ordoñez 1985:19).

(2) El 24 de febrero de 1990 una columna atacó la comunidad de Tsaiari. Hubo un comunero muerto, varios heridos y 3 senderistas muertos. (Información proporcionada por la CECONSEC). En marzo de 1990 Sendero Luminoso atacó la comunidad de Tsiriari. Hubo un comunero muerto, varios heridos y 3 senderistas muertos. (Información proporcionada por la CECONSEC). En Marzo de 1990 Sendero Luminoso atacó la comunidad de Cubantía. Murieron 50 comuneros. (Rodríguez 1990). El 12 de Abril de 1990 Sendero Luminoso atacó el pueblo de colonos de Naylamp. Hubo 36 muertos. En las comunidades del Bajo Ene y Pangoa acontecieron sucesos similares. El 29 de Enero de 1990, 36 asháninkas de la comunidad de Alto Sanibeni, entre ellos mujeres y niños, fueron asesinados por Sendero Luminoso (Ballón 1990). El 28 de enero de 1991, Sendero Luminoso asesinó al Jefe de la comunidad nativa de Monterrico (Información proporcionada por la CECONSEC).

(3) En noviembre de 1990 la CECONSEC calculó la presencia en Satipo de 117 familias asháninkas (alrededor de 585 personas) desplazadas del Tambo, Ene, Bajo Perené y Pangoa.

(4) Comunicado de la CECONSEC del 22 de Julio de 1990 en La República.

(5) APRODEH denunció que el 11 de Mayo de 1989, una patrulla de sinchis de la 48 Comandancia de Mazamari capturó a 4 pobladores de la localidad de Chavini Alto (Satipo) los cuales están desaparecidos. Advirtieron a sus familias de no seguir indagando por ellos (Rodríguez 1990). American Watch denunció que el 17 de Mayo de 1989, una columna militar de alrededor de 100 soldados detuvo a 20 colonos de la localidad de Calabazas en Satipo, once de los cuales aparecieron al día siguiente muertos (Rodríguez 1990). APRODEH denunció que 3 profesores del Centro Educativo Integrado de San Fernando de KIVINAKI (Perené) fueron detenidos en mayo de 1989, los cuales desaparecieron (Rodríguez 1990). APRODEH también denunció la detención y desaparición por el Ejército Peruano del teniente gobernador y otras 8 personas del poblado colono de Río Teruriari (Satipo) (Boletín Informativo DD-HH. Abril-Mayo 1990). Estos organismos también han denunciado asesinatos de SL y el MRTA a alcaldes y pobladores asháninka y colonos de estos valles, a los que hago referencia en este mismo artículo.

(6) Comunicado de la CECONSEC del 22 de Julio de 1990 en La República.

(7) El promedio de tierras por familia asháninka en el valle del Pichis es de 194 hás. (Swenson 1986).

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Indian Givers: How the Indians of the Americas transformed the World (El Aporte Indio: cómo los indios de las Americas transformaron el mundo),

Ballantine Books, N.Y. 1990, 272 pág.

Comenzando con una ilustración actual del trabajo minero en Cerro Rico (Bolivia), J. Weatherford traza 500 años de historia colonial y »poscolonial«, siguiendo las formas de comercio de productos indios (plata, algodón, uranio, etc.) y el conocimiento a través de todo el mundo. El descubrimiento de América no sólo tuvo el efecto de hacer posible en gran medida la industrialización del mundo, sino que también influyó en todos los otros niveles de la vida cotidiana: agricultura y alimentación, medicina, arquitectura, incluso la moda, y también la ideología y la filosofía. Además dejó sus huellas en el arte, p. ej. la literatura y el teatro. En un estilo narrativo fuerte y colorido, los hechos históricos y las pruebas científicas son fusionadas hasta formar una imagen detallada de la historia de los siglos pasados hasta hoy, mostrando muy claramente la inmensa contribución de las culturas indias americanas al mundo, y también la interacción del mismo.

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U$ 10 + Franqueo por los 5 documentos

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El Cólera en América Latina

Por: Jorge Fava

»Nos piden que hagamos letrinas de un metro de profundidad pero no tenemos palas; nos dicen que no comamos pescado pero no tenemos otra comida«

Cacique Lescano
Santa Victoria Este, Salta, Argentina

El origen del cólera

El *vibrio cholerae* es una bacteria que reconoce su origen en la India, específicamente en el delta del Ganges. Esta enfermedad, endémica en aquel país, registra en su historial grandes epidemias tales como las de 1543, 1761, 1768 y 1783, con millares de muertos.

En 1817 una epidemia de cólera iniciada en la India, recorre el Asia completa. Posteriormente, en 1826, entra en Europa extendiéndose por las márgenes del Volga. En los años 1831-32 aparece en Inglaterra y desde allí se proyecta sobre la Europa continental. Al mismo tiempo, la emigración irlandesa hacia las costas de América transporta el vibrón colérico a través del Atlántico, afectando a las ciudades de Quebec, Montreal y Nueva York. Esta pandemia acaba en 1829 con un saldo gigantesco de muertes.

Al quedar expedita la vía del Mar Rojo, el intercambio comercial entre Europa y la India reanuda y acelera la expansión del cólera. Tres grandes epidemias conmueven a los países europeos, trasladándose incluso hasta algunas regiones de América. En América del Sur ingresa en 1846, recalando en Brasil y Uruguay.

América Indígena y la peste

Los denominados »grupos de riesgo«, a los que pertenecen mayoritariamente los indígenas, y que son aquellos más expuestos al contagio del cólera, reúnen tres características básicas: no están correctamente alimentados, no tienen agua potable y carecen de un sistema eficiente de cloacas. La falta de agua potable los obliga a obtenerla de los

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ríos, madrejones u ojos de agua con el consiguiente riesgo de contagio masivo debido a que el vibrón sobrevive hasta 280 días en agua neutra o ligeramente alcalina. Una persona necesita para contagiarse ingerir entre cien millones y diez mil millones de bacterias por milímetro, porque la alta acidez estomacal elimina con eficiencia a los vibrones, pero en los desnutridos o los aquejados por enfermedades conjuntivas, la acidez estomacal desaparece, de tal manera que diez mil bacterias por milímetro alcanzan para infectarse.

Otro factor importante de contagio lo constituyen los portadores asintomáticos ya que se estima que por cada enfermo clínico hay siete u ocho portadores sanos, que aunque no se enfermen igualmente trasmiten la enfermedad. La bacteria tiene un período de incubación que va de los tres a los cinco días, pero una persona puede llevar el vibrón en su interior durante un mes y no sufrir los síntomas, o, en caso que se aloje en la vesícula biliar, perdurar varios meses. En tales condiciones, la movilidad poblacional de los trabajadores extracomunitarios indígenas torna la situación en potencialmente explosiva. La estrechez de las tierras que ocupan no les permite un desarrollo acorde a su modelo étnico, obligándolos a emigrar temporalmente fuera de sus comunidades aldeanas como fuerza de trabajo asalariada, en pésimas condiciones de contratación. Los contactos entre diferentes grupos indígenas, derivados de esta práctica laboral, acelera la expansión del cólera entre las etnias. En Argentina, por ejemplo, los *wichí* de la provincia de Salta se encuentran actualmente en la recolección de la banana en Salta pero en el invierno se trasladarán hacia la zona de horticultura y cítricos de Jujuy, abriendo la posibilidad de la aparición de un nuevo foco infeccioso.

Sin duda, las condiciones objetivas para la aparición del cólera están dadas por la situación de pobreza extrema en que viven los pueblos indígenas latinoamericanos, saqueados y superexplotados durante 500 años por un sistema económico de acumulación que, hipócritamente, los marginó de los beneficios que ellos mismos forjaron.

El panorama de la pandemia de cólera en América Latina al 6 de febrero de 1992, es el siguiente:

Perú: en este país el vibrón hace su aparición por primera vez entre el 2 y 4 de febrero de 1991 en Chimbote. En los primeros cinco días de declarada la emergencia hubo 12.000 infectados, de los cuales 86 fueron casos mortales. Al mes siguiente ya sumaban 45.000 casos con 193 muertes. Para abril se presentaban 150 y 200 nuevos infectados por día. El total de casos sumaba 120.000 y las muertes ascendían a 750. Las últimas informaciones de que disponemos dan cifras escalofriantes: 285.438 infectados y 2.720 muertes.

Amazonía: según un informe del Comité Intersectorial del Cólera (julio de 1991), el 90% de la población de Belén (Perú), de ocho mil habitantes y ubicada sobre la ribera del río Amazonas, está infectada con el vibrio cholerae, aunque el 70% son portadores asintomáticos. En el departamento de Loreto, a tres meses de la aparición del primer caso, fueron atendidas 3.885 personas y se registraron 180 fallecimientos. De llegar la epidemia al Alto Salimoes, Brasil, 20.000 indígenas de 64 comunidades estarían bajo peligro de contagio.

Bolivia: el 27 de agosto de 1991 un foco infeccioso se declaró en este país, propagándose rápidamente a través del mismo. Hoy la situación en el departamento de Cochabamba se ha tornado incontrolable, los casos aumentan un 13% diario, lo que significa que cada 24 horas aparecen 60 nuevos enfermos. Las últimas cifras oficiales que se conocen arrojan 800 casos y 37 muertes. Estos guarismos están puestos en duda, ya que según evidencia acumulada, el gobierno boliviano estaría ocultando información porque afecta a sus exportaciones de materias primas y alimentos.

Argentina: el día 5 de febrero de 1991, el Ministerio de Salud y Acción Social de la Nación reconoció la existencia de 45 infectados de cólera de los cuales 6 habían fallecido, todos en áreas predominantemente indígenas. Al día siguiente los enfermos sumaban 100 y 9 los muertos. Actualmente son 210 los infectados.

Ecuador: aparece el 4 de marzo de 1991 en una zona cercana a la frontera con Perú. Total: 40.465 casos y 623 muertes.

Colombia: en Puerto Tumaco, localidad fronteriza con Ecuador, se registra el primer caso de infección. Total de casos acumulados: 10.258, muertes 145.

Brasil: el 15 de abril de 1991 se conoce el primer caso en territorio amazónico, cercano a Perú y Colombia. Total: 326 casos y 3 muertes.

Méjico: fecha de ingreso: 23 de junio de 1991. Total: 2.208 casos y 29 muertes.

Guatemala: fecha de ingreso: 29 de julio de 1991. Total: 2.737 casos y 29 muertes. En este país la población aborigen, que es mayoría, se vio severamente afectada.

Conclusiones

El cólera fue acertadamente denominado »la enfermedad de la pobreza«, es que ésta y sólo ésta, crea las condiciones necesarias para su aparición y posterior propagación geométrica. En cambio, las explicaciones que buscan las causas de la epidemia de modos y formas culturales supuestamente »primitivas« (2), sólo pretenden justificar y/o disimular una situación de oprobio que ya lleva, en estas tierras de América, cinco largos siglos de existencia.

Entre tanto, los gobiernos latinoamericanos tratan de paliar la situación trabajando descoordinadamente sin un criterio uniforme de admisión, tratamiento y vigilancia, y con acciones que sólo apuntan a superar la coyuntura, con el propósito de tener al cólera »controlado« dentro de la periferia.

Detallamos a continuación un conjunto de directivas básicas a ejecutar en áreas indígenas:

Medidas de aplicación inmediata

a) entubamiento de los desagües cloacales o construcción de los mismos donde no los hay;
b) construcción de plantas potabilizadoras de agua y controles permanentes de la calidad del agua en consumo
c) mayor control sobre la higiene ambiental y habitacional (esta fase es correlativa con las anteriores);
d) los trabajos sanitarios para enfrentar o prevenir la epidemia de cólera en las comunidades indígenas deben contemplar y respetar las disimilitudes étnicas, con el propósito de disminuir el impacto cultural y obtener así resultados satisfactorios.

Medidas de aplicación mediata

a) atención sanitaria periódica permanente a todas las comunidades locales, con apoyatura en la medicina tradicional. Creación de puestos sanitarios y formación de agentes sanitarios aborígenes con un adecuado abastecimiento de fármacos;
b) entrega de tierras en cantidad y calidad suficientes para un desarrollo acorde con sus necesidades económicas y socioculturales;
c) apoyo económico a programas de auto-

desarrollo con la concesión de líneas de créditos especiales; y
d) cobertura médico-asistencial para los trabajadores extracomunitarios temporarios.

El cólera ha delineado en América Latina una explosiva geografía de miseria y marginación con dramática precisión, en la que las áreas indígenas configuran sus fronteras más visibles.

Notas:

(1) En las cifras que se suministran no se discrimina entre población indígena y no-indígena.
(2) Perú, mayoritariamente indígena y por ende »primitivo«, nunca antes había sufrido una epidemia de cólera, mientras que Europa »civilizada« fue varias veces devastada por esta enfermedad. Sólo hoy, con una pobreza que se agiganta cada día más, producto de irracionales planes de ajuste, el vibrio cholerae hace pie en el país.

Fuentes: Diarios y Revistas de Buenos Aires: Clarin: 06/02/92, 11/02/92, 12/02/92, 16/02/92, 18/02/92 y 02/03/92. El Cronista: 10/02/92 y 14/02/92. La Nación: 13/02/92, 23/02/92 y 28/02/92. Página 12: 12/02/92. Acción: 20/2/92. Visión: 24/7/92 ❑

Publicaciones recibidas

BIESELE, Megan. WEINBERG, Paul.

Shaken Roots (Las Raíces Sacudidas)

EDA Publications, Marshaltown, Sudáfrica.

Los »*bushmen*« los primeros habitantes de Africa, han luchado durante muchos años para poder continuar viviendo en su tierra y mantener su forma de vida como cazadores y recolectores.

Menos del 3% de los bushmen en Namibia ahora tienen acceso a tierra. La supervivencia hoy en día, depende de sueldos del ejército (ahora ya no) y de su trabajo como agricultores. Bajo los auspicios de la Cooperativa de Agricultores Nyae Nyae, los bushmen con tierra se están especializando en la cría de ganado y el cultivo de verduras. La realización y venta de artesanía también está llegando a ser un fuente de ingreso ya que los bushmen están buscando maneras para adaptarse a una economía de mercado.

Hoy día, los bushmen se encuentran en una situación muy desfavorable en la lucha por una nueva Namibia. Desde un punto de vista histórico han sido maltratados y aprovechados y todavía están considerados como »los hijos de la naturaleza,« »pequeñas personas hermosas«. La persistencia de la mitología es una barriera para la comprensión de un pueblo en transición.

Este libro es una tentativa para un estudio serio de la situación de los bushmen de Namibia hoy día. Megan Biesele, un experimentdo antropólogo, fluido lingüista y director de la Fundación Bushmen Ju/'hoan, nos da un análisis sucinto compuesto de percepciones culturales profundas por parte del propio pueblo.

Las fotos de Paul Weinberg nos lleva de viaje en una cultura transitoria que una vez era estable y en harmonía con la naturaleza, y que hoy está luchando para transformar su pasado en una nueva práctica para el futuro. El texto y las fotos constituyen un retrato documental de un grupo de personas mitologizadas y descritas engañosamente por »expertos« y examina las posibilidades de un futuro más independiente en una época moderna.

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Guatemala:

Rigoberta Menchú candidata al Premio Nobel de La Paz 1992

Guatemala

Por: Adolfo Pérez Esquivel

Rigoberta Menchú Tum, indígena quiche, fundadora y dirigente del Comité de Unidad Campesina (CUC) de Guatemala y miembro de la Representación Unitaria de la Oposición Guatemalteca (RUOG), fue nominada oficialmente al Premio Nobel de la Paz 1992.

Esta candidatura cuenta con el respaldo de la Campaña Continental 500 Años de Resistencia Indígena, Negra y Popular.

Adolfo Pérez Esquivel, Premio Nobel 1980, fue el encargado de inscribir esta candidatura ante el Presidente y miembros del Comité del Premio Nobel. He aquí el texto presentado por el destacado defensor de los derechos humanos.

Rigoberta Menchú. Por Naja Abelsen.

Al presentar la candidatura de Rigoberta Menchú, al Premio Nobel de la Paz, quisiera comenzar con el pensamiento que Rigoberta expresa en su caminar en estos 500 años y que marcan sufrimientos, persecuciones, pero también un fuerte espíritu de resistencia y esperanza por alcanzar una vida digna y el respeto a las identidades de los pueblos.

»Mi opción por la lucha no tiene límites ni espacio: sólo nosotros que llevamos nuestra causa en el corazón estamos dispuestos a correr todos los riesgos....Hemos ocultado nuestra identidad porque hemos sabido resistir.... Siempre han dicho: pobres los indios que no saben hablar; entonces muchos hablan por nosotros; por ello me decidí a aprender el castellano...« »El tiempo que estamos viviendo lo tenemos que vencer con la presencia de nuestros antepasados...«

Rigoberta Menchú es una india quiché, del poblado de Chimel en San Miguel de Uspantán. Es una de las más importantes etnias de las veinte que existen en Guatemala.

La situación vivida por su pueblo y todo el pueblo guatemalteco, de represión, persecuciones, destrucción de las aldeas y de las etnias por las dictaduras militares y que lamentablemente continúan hasta el día de hoy, a pesar de los gobiernos llamados democráticos, es también la historia de los pueblos indios en todo el continente, desde América del Norte, América Central y América del Sur, que sufren la discriminación racial y cultural y es a través de Rigoberta, de su voz, que se alza el clamor de los pueblos.

Su vida es un testimonio. Es testigo sobreviviente del genocidio del que han sido víctimas su comunidad y su familia. Una voz que se alza con desgarradora fuerza y belleza, que trasmite la cadencia de los pueblos, de sus culturas oprimidas y afirma su identidad cultural.

Para Rigoberta Menchú, de ninguna manera se trata de predicar una lucha racial, y todavía menos negar el reconocimiento del hecho irreversible que es la existencia de la población mestiza. En cambio, lo que ella exige es el reconocimiento de su cultura, de la aceptación de su inalterabilidad y la parte del poder que por derecho les corresponde.

Los indios en Guatemala, así como en otros países de la América Latina, constituyen la mayoría de la población.

En cierto modo se podría comparar la situación de los pueblos indígenas en América Latina, manteniendo la distancia y situaciones particulares, con lo que está pasando en Africa del Sur, donde la minoría blanca ejerce un poder absoluto sobre una mayoría negra.

Desde su universo indígena y la fuerza de las circunstancias que le toca vivir, se ve

obligada a asumir -desde su lugar y víctima, dejando su labor como catequista- y ser líder y voz de un pueblo oprimido. Tuvo que aprender el español para comunicarse, ya que su idioma es el quiché. Rigoberta ha escogido el arma de la palabra como medio de lucha y ha escogido también la escritura con la ayuda de amigos. Testimonio de su vida y la de su pueblo están reflejadas en su libro: »Me llamo Rigoberta Menchú« por Elisabeth Burgos Debray.

Su infancia se desarrolla en su comunidad entre las montañas, aprendiendo de sus mayores, de sus padres; a los ocho años comienza a trabajar en una finca como asalariada, así es la vida de los pobres, y Rigoberta expresa: » Y así es cuando a mí me nació la conciencia...« tenía que recoger treinta y cinco libras de café por día y le pagaban veinte centavos en ese tiempo, y sí a veces no podía llegar a ese tope, al día siguiente continuaba ganando los mismos centavos.

El padre de Rigoberta es encarcelado por defender las tierras contra los terratenientes que quieren despojar a los campesinos, un problema que perdura en todo el continente de América Latina. Vicente Menchú se transforma en un líder y se dedica completamente a la problemática de la comunidad, a la defensa de los derechos de los campesinos. La complicidad de las autoridades con los terratenientes generaba angustia y preocupación ante las amenazas de quitarles las tierras en 1967.

Rigoberta cuenta cómo los echaron de la aldea, de la casa. Los soldados entraron y los echaron, robaron las pertenencias de los indígenas, mataron los animales. Estas y muchas otras situaciones se fueron sucediendo, violaciones, asesinatos, por el ejército y los terratenientes.

Rigoberta frente a este drama de su pueblo, comienza un trabajo de organización. Ese despertar de la conciencia la lleva a asumir el compromiso junto a su gente, a las comunidades.

Recuerda cuando fue apresado y torturado su hermano de 16 años y quemado vivo junto con otras personas de la comunidad. Como después, la muerte de su padre, quemado vivo durante la toma de la Embajada de España en 1979. El 19 de abril de 1980 es secuestrada y asesinada la madre de Rigoberta, quien era una dirigente que trabajaba en su comunidad. La torturaron durante varios días. La pusieron en exhibición, la colgaron y dejaron los militares que se muriera, esperando que llegase Rigoberta para aprenderla a ella.

Recuerda que su madre le decía »Yo no te obligo a dejar de ser mujer, pero tu participación en la lucha debe ser igual a la de tus hermanos«.

El dolor y el sufrimiento que ha marcado su vida también la formó para la resistencia, para la lucha junto a su pueblo, para el servicio a los más necesitados. Las alegrías personales las pospone y renuncia a ellas como al matrimonio, a la maternidad. Piensa en la mujer guatemalteca, en el machismo, en la opresión que sufre en la sociedad.

»Hay que hacer grandes sacrificios. Y así es como nosotros los campesinos, aprendimos a ser capaces de dirigir nuestras luchas. Y eso se debe a nuestra percepción. Claro, para dirigir se necesita una persona que conozca la práctica. No es que se opine mejor cuando se ha sufrido más hambre. Pero tenemos verdadera conciencia, sólo cuando hemos vivido verdaderamente las cosas. Puedo decir que en mi organización la mayor parte de los dirigentes son indígenas, también hay participación de compañeros ladinos, y mujeres también participan en la dirigencia. Tenemos que borrar las barreras que existen. De etnias, de indios y ladinos, de lenguas, de mujer y hombre, de intelectual y no intelectual...«

Esta breve síntesis muestra el pensamiento y el compromiso de vida de Rigoberta Menchú, su caminar y luchas por la vida y la dignidad de su pueblo, de los indios, campesinos, ladinos, y toda la sociedad.

Guatemala es un país sometido a la violencia sistemática y estructural con dictaduras que se han sucedido y han provocado más de 150 mil muertes y desapariciones de personas.

Las llamadas Aldeas Modelo no son otra cosa que campos de concentración; las cacerías humanas, las tierras arrasadas y los llamados Polos de Desarrollo donde son confinados los sobrevivientes en condiciones extremas. La existencia de esos centros de reclusión constituye una forma del ejército de mantener controlados y censados a los campesinos, principales sospechosos de engrosar las filas guerrilleras y constituye uno de los ejes de la política contrainsurgente. Esa política es parte de la estrategia de baja intensidad. Continúan hoy las desapariciones de personas y la fuerte represión.

Rigoberta Menchú se ha transformado en la representante de los pueblos, una voz que reclama el derecho a la verdad y justicia, el derecho a la identidad y la vida de las culturas y los pueblos indígenas. Una voz que denuncia las injusticias contra su pueblo guatemalteco. En las Naciones Unidas, la Comisión de Derechos Humanos de la Organización de Estados Americanos (OEA) cuenta con una información permanente sobre la situación y vida que sufre el pueblo guatemalteco y en particular las comunidades indígenas.

Rigoberta viene realizando una intensa acción nacional e internacional a fin de lograr la libertad y las garantías básicas que posibiliten la construcción de una democracia real y no una fachada de democracia. Por otro lado desde hace un tiempo se ha logrado cierto diálogo entre el gobierno y las fuerzas de oposición.

Una mujer indígena que sabe del dolor y el sufrimiento pero que a pesar de todo no ha claudicado y muestra al mundo lo que es la dignidad y la lucha por la libertad de su pueblo.

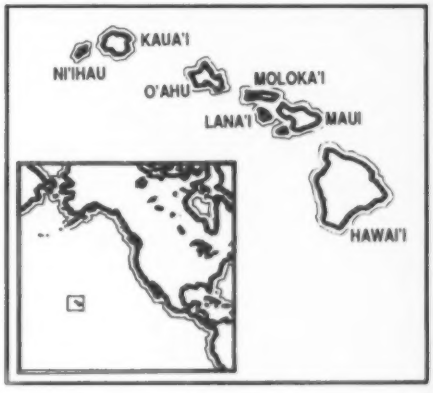
500 años en el caminar de los pueblos indígenas y los aportes de otras realidades y culturas han marcado la vida de los pueblos de este continente.

Rigoberta viene contribuyendo a alcanzar la paz y la libertad y su lucha es sumar la solidaridad entre los pueblos contra la opresión y la violencia.

Por estos motivos, Sr. Presidente y miembros del Comité Nobel, es que presento la candidatura de Rigoberta Menchú al Premio Nobel de la Paz 1992. Se hará justicia a todo un continente. ❑

Hawai'i:

La Administración de los Territorios de Hawai'i:



Hawai'i

Un abuso de confianza – negación de los derechos civiles

Por: Ulla Hasager y Kawaipuna Prejean

»El gobierno de los Estados Unidos no ha cumplido con sus obligaciones fideicomisarias relativas a los kānaka maoli *de implementar el Acta de la Comisión Hawaiiana para Asuntos Interiores de 1921.«* El fracaso de la implementación del fideicomiso constituye »una negación de los derechos civiles de los beneficiarios; los nativos hawaiianos.« Esto es parte de la conclusión del informe de investigación, presentado unánimemente, *Un abuso de confianza: Setenta años de falta de protección de los derechos civiles de los indígenas de Hawai'i de parte de los gobiernos federales y estatales*, publicado el 12 de diciembre de 1991 por el Comité Asesor de Hawai'i de la Comisión de Derechos Civiles de los Estados Unidos.

Este informe, escrito por el analista superior de derechos civiles, John F. Dulles II es un documento muy importante para los *kānaka maoli* (nativos hawaiianos) aunque el documento solamente trata una parte del problema de los derechos civiles de kānaka maoli, ignorando totalmente los derechos económicos, sociales, culturales y tradicionales. Además, ni el Comité ni la Comisión tienen el poder de imponer las recomendaciones; pero según el presidente del Comité, André Tatibouet, aunque la Comisión no tenga poder para requerir a las agencias federales que actuen, los estudios de la Comisión han tenido un efecto importante en el pasado.

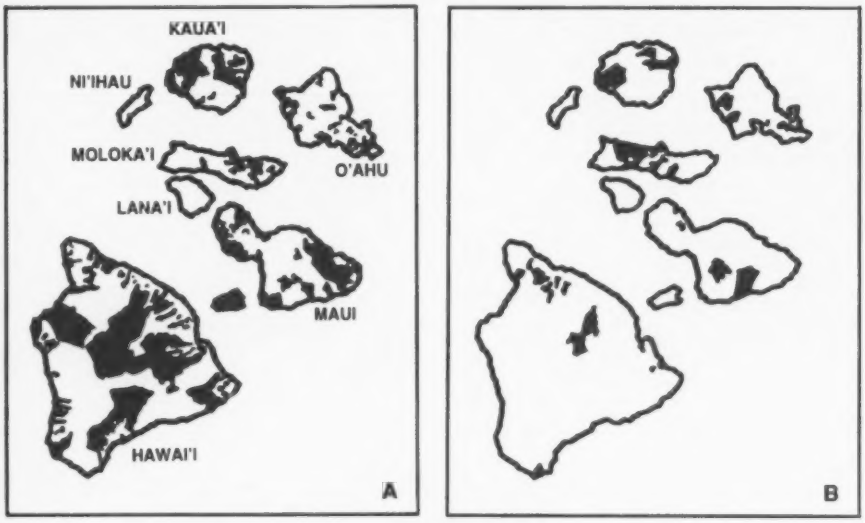
Kia'āina (gobernador) de *Ka Laāhui Hawai'i* (la Nación Soberana de Hawai'i – una iniciativa indígena para la autonomía) y el abogado Mililani Trask, esperan que el informe tendrá amplias consecuencias, creando presiones políticas que podrían obligar a las partes ofensoras a acciones correctivas (Star-Boletín, dic. 13, 1991).

Tierra hawaiiana

En 200 años de contacto con el mundo occidental, los kānaka maoli, sufriendo una disminución de población de proporciones genocidas, han perdido el control de la mayor parte de sus territorios. Con la Great Māhele (División) de 1848 -por medio del viejo truco de »dividir y confundir para reinar- que instituyó la propiedad privada de la tierra, ha implicado que extranjeros puedan alegar posesión de tierras en Hawai'i. En vez de la sagrada relación de los kānaka maoli con la tierra,- *aloha 'āina*, el cuidado por la tierra y el compartir los recursos – la tierra llegó a ser un bien comercializable. »El Imperialismo Occidental ha sido efectuado sin las molestas guerras usuales y una costosa administración colonial,« así lo expresa el profesor de derecho, Neil M. Levy (1975). Durante el sucesivo medio siglo, los occidentales tomaron posesión de la mayor parte de la tierra hawaiiana.

Mediante »un acto de guerra,« y una »ocupación ilegal«, como lo calificó Grover Cleveland, Presidente de EEUU, éstos invadieron Hawai'i y robaron las tierras públicas (las llamadas tierras del Gobierno y tierras de la Corona) en el derrumbamiento de la monarquía de Hawai'i en 1893. Esta acción llevó consigo una anexión ilícita y forzada de la nación de Hawai'i, no por tratado o estatuto, sino por robo de anexión y sin consentimiento o compensación para el pueblo de Hawai'i; violando, por lo tanto, la constitución de los Estados Unidos y también las leyes internacionales.

Mientras la resolución de 1898 ha reconocido los intereses inalienables de los kānaka maoli en los 2.4 millones de acres de »tierras públicas« que el »gobierno provisional« había tomado en 1893, el gobierno de los Esta-



Tierras Públicas Hawaiianas en Administración
a. Total – todas las islas: 1.431.000 acres
b. Total – todas las islas: 190.000 acres

dos Unidos ha impuesto un »una administración de tierras cedidas« y dando a los kānaka maoli tutelas dependientes y sin consentimiento. Desde entonces, diversas »administraciones« con control sobre tierras (»5(f) tierras cedidas), ahora reducidas a 1.4 millones de acres han continuado violando el fideicomiso impuesto.

En 1921, el Acta de la Comisión de Territorios Hawaiianos ha creado »una segunda administración de tierras cedidas« y ha separado más de 200.000 acres (alrededor del 5% de las islas) como territorios para los kanāka maoli, definidos como los que tienen la mitad o pura sangre hawaiiana, dividiendo, por lo tanto, al pueblo. Al igual que las tentativas anteriores impuestas con el propósito de reasentar a los kānaka maoli, este proyecto ha implicado grandes problemas desde el principio. El supuesto esfuerzo humanitario para asegurar la supervivencia de los descendientes de un pueblo indígena, llamado una »rehabilitación«, fue impedido por los fuertes intereses de la oligarquía azucarera, amenazada por la expiración de sus arrendamientos de grandes áreas de tierra en »administración«.

»Aunque la Comisión estaba autorizada a dar parcelas en arriendo a indígenas de Hawai'i por un período de 99 años a índices nominales, la tierra que podían obtener era árida y de poco valor agrícola. (...) Además, los derechos territoriales de los indígenas reasentados eran limitados: no podían subarrendar, transferir o hipotecar la tierra a personas no hawaiianas, incluso necesitaban permiso de la Comisión para transferir a hawaiianos. Finalmente, el decreto brindaba algo de asistencia financiera a los nativos hawaiianos para construir casas y comenzar operaciones agrícolas« (Levy 1975:865).

Los Estados Unidos **no** respetaron el Artículo 73 de la Carta de las Naciones Unidas que reconocía la autodeterminación de Hawai'i como territorio autónomo, legalizando este incumplimiento por medio de hacer de Hawai'i un estado en 1959. El Acta de Admisión Estatal impuesta por los Estados Unidos trató de reducir los intereses inalienables de los indígenas sobre las tierras. En vez de un sólo propósito a »las tierras públicas cedidas« para »el beneficio de los habitantes de las Islas Hawaiianas,« habían cinco propósitos, de los cuales solamente uno era para el »mejoramiento de los nativos hawaiianos como está definido en el Acta de la Comisión Hawaiiana para Asuntos Internos.« Los »beneficiarios« no han sido otorgados ingresos de ningún tipo de »la administración de tierras cedidas.« Con la categoría de estado, las principales responsabilidades administrativas de las tierras de Hawai'i bajo administración fueron transferidas del gobierno federal al estado de Hawai'i, pero el gobierno federal retuvo importantes responsabilidades generales. Al mismo tiempo, los kānaka maoli fueron excluidos de todas las actas, leyes y decretos que aseguran a los nativos americanos el derecho a autogobernarse y a controlar su tierra aborigen.

Hoy día, los 200.000 descendientes de los habitantes originales que todavía viven en las islas *»sufren desproporcionadamente de infortunios económicos y ambientales. Recientes estadísticas compiladas por el Estado reflejan que el 34% de los hawaiianos viven en la miseria. Representan casi un quinto de la población del Estado, constituyen aproximadamente el 46% de los adultos y el 66% de los jóvenes en instituciones correccionales. De los 14.000 adultos en este Estado que viven a cargo de la asistencia social, uno de cada tres es hawaiiano. Tienen un índice de mortalidad que supera el índice de mortalidad del americano medio con el 34% y el índice de cáncer pulmonar más alto de la Nación«* resume el informe (pág. 39 del informe antes mencionado). Hay que agregar que el valor de las propiedades está aumentando de modo excesivo, el costo de vida es uno de los más altos de los Estados Unidos y por eso muchos kānaka maoli han tenido que abandonar la isla para sobrevivir.

El Programa del Territorio Hawaiiano

El informe del Comité Asesor de Hawai'i sólo trata los problemas concernientes a las pequeñas tierras con »fideicomisos secundarios«. Concluye que:

»Después de 70 años, el Comité Asesor llega a la conclusión de que el programa de reasentamiento ha brindado muy pocos beneficios tangibles para los beneficiarios del fideicomiso. Solamente el 17,5% del total de las tierras disponibles ha sido utilizada para el reasentamiento. Al mismo tiempo, más del 62% de las tierras son utilizadas por habitantes que no pertenecen a pueblos indígenas, frecuentemente por un mínima compensación. Especialmente notable es el uso discutible de territorios de gran valor por el gobierno de los Estados Unidos, prácticamente sin compensación a la administración. Esto incluye algunas de las tierras más adecuadas para el desarrollo de territorios aborígenes. Con una lista de espera de más de 20.000 solicitantes, no es razonable que los Estados Unidos continúen oponiéndose terca y arrogantemente a los intereses de la comunidad indígena hawaiiana, cuyos derechos en realidad deberían defender agresivamente. El Comité Asesor solicita la asistencia de la Comisión de Derechos Civiles de los Estados Unidos, para requerir la devolución de estas tierras poseídas deshonestamente, o un intercambio de tierras que sean como mínimo tan adecuadas para el reasentamiento« (Carta Abierta escrita por André S. Tatibouet).

»A diferencia de otros indígenas americanos, los hawaiianos nunca han tenido los privilegios (!) de una relación política con los

Estados Unidos. Sin embargo, los hawaiianos, cuyo antiguo reino era miembro de la comunidad internacional de naciones y reconocido por los Estados Unidos, tienen un caso obligatorio de reconocimiento Federal. La falta de reconocimiento formal (...) ha resultado en (...) la negación de derechos legales válidos de demanda por discriminación. Esto constituye un tratamiento desigual y debe ser remediado sin demora« (p.43-44).

El informe resume sus observaciones y recomendaciones en 12 puntos, criticando al gobierno federal y estatal, y piden responsabilidad, asistencia técnica y económica y una compilación de un inventario exacto de los Territorios Hawaiianos. La seria crítica de la administración del Ministerio de las Territorios Hawaiianos concluye que algunos »han muerto y muchos más van a morir sin recibir los beneficios prometidos en el Acta de la Comisión de Territorios Hawaiianos.« Algunos calculan que hasta 30.000 personas han muerto en esta sutil forma de genocidio.

El Comité exige la creación de un nuevo mecanismo administrativo, porque encuentra que *»no será probable que el programa de Territorios Hawaiianos alcanzará a su meta a menos que las funciones fideicomisiarias sean administradas de modo más independiente, agresivo y creativo, con más consideración por los beneficiarios. La nueva estructura administrativa debería ser gobernada y dirigida por nativos hawaiianos principalmente«* (p.47). Por el momento, los »beneficiarios« son incapaces de tratar de asegurar sus propios derechos mediante conductos legales. Solamente el gobierno federal puede demandar en juicio al Estado Hawaiiano/ Ministerio de Territorios Hawaiianos por abusos administrativos. Esta es sólo una de las varias paradojas del Acta de la Comisión de Territorios Hawaiianos y sus enmiendas, que implica que la administración, por no decir la obtención de los territorios, sea un asunto muy complicado.

Miembros de la coalición formada recientemente por 40 grupos hawaiianos, Hui Na'auao, en Sovereing Sunday, el 12 de enero de 1992. Durante 16 años se ha celebrado Sovereign Sunday en 'Iolani Palace Grounds, conmemorando la invasión armada del ejército americano en Hawai'i en 1893, con discusiones, plegarias, música y danza, de acuerdo al coordinador, Kawaipuna Prejean. (Foto: Ulla Hasager)

El derecho a la autodeterminación

Como todos los pueblos indígenas del mundo, los kānaka maoli consideran una base territorial como algo esencial para lograr la autodeterminación y necesario para poder vivir, practicar tradiciones culturales y asegurar el derecho a la autosuficiencia. Actualmente el Grupo de Trabajo de la ONU sobre Poblaciones Indígenas bajo la Subcomisión de Prevención de la Discriminación y la Protección de las Minorías está en su décimo año de la redacción de la largamente esperada »Declaración Universal de los Derechos de los Pueblos Indígenas«, así como está trabajando en el Estudio de Tratados, bajo mandato de la ONU, bajo los auspicios del Sr. Miguel Alfonso Martínez. En su resolución 45/164 del 18 de diciembre de 1990, la Asamblea General proclamó al año 1993 como el Año Internacional de los Pueblos Indígenas del Mundo. Esta fecha es también el centenario del gobierno no-autónomo, dependiente, de los kaānaka maoli...

Haunani-Kay Trask, el director del Centro de Estudios Hawaiianos de la Universidad de Hawai'i y ciudadano de Lāhui Hawai'i considera que ya que esas tierras han sido y siguen siendo abusadas por el estado y los gobiernos federales, existe una razón histórica para transferir su control a los kānaka maoli. Pero la razón principal para la transferencia de control es el derecho inherente de autodeterminación para todos los pueblos (Ka Leo O Hawai'i 1992).

El Comité Asesor recomienda firmemente una legislación que »aliente la obtención del objetivo de la soberanía y autodeterminación« para los kānaka maoli. El próximo centenario del derrumbamiento de la monarquía hawaiiana en 1893 »brinda un recuerdo temporal de que los remedios están extremadamente atrasados«, anotó el Comité en la conferencia de prensa en Honolulú cuando publicaron el informe.

Aunque el informe es una herramienta importante para los kānaka maoli para la afirmación de los derechos inherentes a la autodeterminación, disfraza la envergadura del asunto en cuestión -la soberanía- y desvía la atención de la invasión de 1893 para llamar la atención sobre una asunto mucho más limitado, aunque serio; la cuestión de los abusos de confianza.

El informe es de una gran vergüenza para las agencias estatales y federales que se encargan del control del Programa de Territorios Hawaiianos. En la sesión no. 48 de las Naciones Unidas sobre los Derechos Huma-

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nos, que tuvo lugar en Ginebra en enero-febrero de 1992, fue llamada la atención sobre este asunto, bajo el punto 12 sobre investigaciones de los abusos de los derechos humanos y libertades fundamentales con referencia particular a países y territorios coloniales o dependientes. En una intervención a nombre de la ONG, el Consejo Internacional de Tratados Indios (IITC), el representante de la coalición kanāka maoli llamada Ka Pākaukau, (comprometida con la afirmación de la soberanía inherente kānaka maoli), y delegado de IITC, Kawaipuna Prejean dijo que »la triste actitud de los Estados Unidos de no cumplir sus promesas ha empeorado las horribles condiciones de los pueblos indígenas de las Primeras Naciones en tierras ahora reivindicadas por los Estados Unidos de América.(...) Tanto el estado (hawaiiano) como el gobierno federal, recientemente fueron comprometidos por la falta de protección de los derechos civiles de los indígenas de Hawai'i durante los últimos 70 años. »A Broken Trust« un informe investigador para la Comisión de Derechos Civiles, no impuso sanciones o penas a las burocracias incompetentes. Sin embargo, los que se oponen a esos abusos de los derechos humanos son sacados por la fuerza y arrestados por los grupos de matones coloniales y mafiosos burocráticos. Esta manera disimulada de genocidio es genocidio a pesar de todo« (Declaración Oral y Comunicado de Prensa del Servicio de Información de la ONU HR/3042, 24 de febrero de 1992).

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***La Voz Ha Sido Silenciada. Kawaipuna** Prejean falleció antes de poder ver su artículo publicado. Los kaānaka maoli han perdido un dinámico y sabio líder, los pueblos indígenas de todo el mundo han perdido un apoyo fuerte y locuaz, y yo he perdido un amigo muy cercano y un colaborador. ¡'Onipa'a ka kou!*
Foto: Ulla Hasager.

Alaska:
Autonomía Tribal:
El caso Tyonek y los acontecimientos relacionados

Alaska

Generalidades de las estructuras legales básicas

Estatus tribal

La cuestión del estatus tribal de las aldeas de nativos de Alaska ha sido un elemento común en virtualmente todos los casos recientes, desde que el estatus tribal es el concepto central sin el cual ninguna cuestión de poderes tribales o inmunidades puede entrar en juego. La litigación aquí ha sido enmarcada por interpretaciones encontradas de cómo los principios de la »Ley Federal India« deberían ser aplicados en Alaska, así como interpretaciones encontradas del tratamiento histórico de los nativos de Alaska por el Congreso, el Poder Ejecutivo, el Estado y las cortes.

Generalmente, el reconocimiento de una comunidad nativa como una tribu es una determinación política que frecuentemente es hecha por el Poder Ejecutivo (típicamente por el Presidente o el Ministerio del Interior) o por el Congreso. Tales determinaciones, cuando están hechas de ésta manera, son legalmente obligatorias ante las cortes. Esto significa que cuando la cuestión surge en una demanda judicial, una tribu legalmente reconocida no necesita probar que es una entidad soberana entrando en un largo juicio fáctico e histórico; sino que las cortes aceptarán simplemente sin cuestión la determinación del Congreso o del Poder Ejecutivo que ha sido tomada.

En las más raras situaciones cuando una comunidad nativa no ha previamente sido reconocida legalmente como tribu, puede igual asegurar el reconocimiento legal, o »judicial«, pero sólo después de una detallada investigación antropológica e histórica que requiere normalmente un juicio complejo y costoso. Otra alternativa para la comunidad nativa es elevar especialmente una petición al Ministro del Interior a través del Proceso Federal de Reconocimiento, o »FAP«. Tal petición toma generalmente varios años e implica los mismos tipos de cuestiones y estudio de expertos que son requeridos cuando el reconocimiento es directamente solicitado a una corte.

Con el estatus de 230 aldeas nativas de Alaska como cuestión, es ya evidente que 230 juicios (o peticiones FAP) pesan en la balanza cuando la cuestión es si la aldeas nativas de Alaska han sido ya legalmente reconocidas por el Congreso o el Poder Ejecutivo.

Una opinión de la Suprema Corte de Alaska ha sentenciado que, como asunto legal, virtualmente ninguna de las Aldeas Nativas de Alaska pueden calificar como »tribus« en el sentido de ser unidades políticas autónomas. Por ejemplo en, Stevens contra Alaska Management & Planning. Recientes decisiones de la corte federal han estado en desacuerdo con la formulación de Stevens, con algunas sentencias de que todas las aldeas nativas de Alaska enlistadas en ANCSA son tribus en forma legal, y por lo menos una decisión de corte sugiere que la cuestión del estatus tribal está abierta.

Territorio Indio

La segunda área importante de atención de los recientes años ha sido la jurisdicción territorial (si alguna) de la autoridad gubernativa de una tribu. El »Territorio Indio) es un concepto legal que incluye »reservas« pero también incluye una variedad de otras áreas ocupadas por nativos tales como las »comunidades indias dependientes«. Jurisdicciones estatales, tribales y federales concurrentes cambian dramáticamente en la frontera del »Territorio Indio«. Las cortes han luchado con esta cuestión en Alaska, con una corte estatal sosteniendo que no existe tal cosa como el »Territorio Indio« en Alaska (Stevens) y otras decisiones federales dejando la puerta abierta para una investigación de hechos (p.ej. el caso de impuestos de Venetie).

Las cuestiones de los poderes tribales y estatales en el territorio indio son bastante complejas. Debido a una ley de los '50, ahora conocida como la Ley Pública 280, los gobiernos tribales y estatales comparten la autoridad para el cumplimiento de la ley criminal en el »territorio indio« de Alaska, (aunque la autoridad tribal es bastante limitada por las penalidades máximas permitidas bajo el Acta de Derechos Civiles Indios). Si 48 casos Inferiores son una guía apropiada, en el área regulatoria civil, la jurisdicción estatal sobre los pueblos y tierras nativas en el territorio indio de Alaska sería generalmente prohibida, mientras que mucha de la autoridad sobre gente y tierras no-nativas en

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el territorio indio de Alaska sería probablemente limitada a ciertas circunstancias, mientras que la jurisdicción tribal sobre pueblos y tierras nativas no lo sería. Es por estas razones que la cuestión del »Territorio Indio« de las aldeas de Alaska es tan significativa.

El Caso Tyonek

El 13 de enero de 1992, la Corte de Apelaciones del Noveno Circuito de los EEUU sentenció que la Aldea de Tyonek es Territorio Indio y que por esta razón Tyonek no puede ser demandada en una corte federal por una ordenanza de la aldea.

Antecedentes del caso

Tyonek fue a la corte federal en 1982 para aplicar dos ordenanzas tribales contra dos tipos de gente. Una ordenanza, No. 65-32, estaba dirigida contra cuatro miembros tribales propietarios de vivienda. La ordenanza restringe el uso y arriendo de las viviendas de los miembros tribales construidas por la Tribu en los '60 con dinero de la venta de un permiso de petróleo. La otra ordenanza, una ordenanza más antigua llamada No.4, estaba dirigida contra cuatro arrendatarios de casas tribales. Esa ordenanza prohíbe a extraños no-miembros la permanencia en la aldea más de 24 horas sin el consentimiento tribal.

Antes de que el caso fuera presentado en corte, la Aldea había permitido a los poseedores de casas arrendarlas a no-miembros por un año, y había permitido también a los arrendatarios permanecer en la aldea durante un año. Pero, en parte como resultado de una disputa con el distrito escolar local dónde dos de los arrendatarios trabajaban, y por otras razones, Tyonek decidió no renovar el permiso para el próximo año escolar y avisó ésto con anticipación a todos los interesados. Cuando los propietarios se negaron a dejar de alquilar sus casas a los arrendatarios y éstos se negaron a irse, Tyonek demandó a los propietarios y los arrendatarios en la corte federal. Los arrendatarios, sólos, hicieron una contrademanda a la Tribu y los miembros del consejo.

Las cuestiones del caso

Es importante comprender que, a pesar de las informaciones de la prensa, en más de diez años de litigios, ninguna corte ha decidido claramente si Tyonek tiene el poder de aplicar la ley de 24 horas de la Tribu en contra de los arrendatarios (aunque la corte federal de procedimientos en 1989 sentenció que Tyonek podía aplicar la Ordenanza No. 65-32 en contra de los propietarios). Esto es así porque el litigio ha estado constantemente preocupado con el asunto de si algunas de las partes de la demanda o de la contrademanda pertenecen correctamente a una corte federal – o sea, si hay una »jurisdicción federal sobre la demanda«:

Como una regla básica, una corte federal no tiene jurisdicción sobre un caso que no eleva una cuestión de ley federal. Si un caso sólo implica resolver una cuestión de ley estatal, y ley tribal, el caso no puede ser atendido en una corte federal.

Otra regla básica es que una corte federal no tiene jurisdicción sobre un caso que es traído contra un poder soberano cuya inmunidad de demanda no ha sido levantada. Si una demanda federal es presentada en contra de un estado o tribu la demanda debe ser, por lo tanto, generalmente negada. Una regla relacionada, es que los funcionarios estatales o tribales son también inmunes si son demandados por hacer algo que estaban autorizados a hacer en sus capacidades oficiales.

Son estas reglas de jurisdicción de corte federal que hasta ahora han sido la cuestión en el caso Tyonek.

Historia de Apelaciones Previas del Caso

En 1989 la corte inferior federal (la »corte de distrito«) rechazó la demanda legal entera y la contrademanda con bases jurisdiccionales, sentenciando que ninguna parte de la demanda podía ser oída en una corte federal. En la apelación, el Noveno Circuito, en 1990, estuvo de acuerdo excepto con una parte del caso que trata de la demanda legal de la Tribu contra los arrendatarios no-miembros; el Noveno Circuito sentenció que la corte federal **podía** sentenciar en esa parte del caso.

Cuando los propietarios y arrendatarios apelaron a la Suprema Corte de los EEUU, la Corte había ya decidido en una caso de Oklahoma que trataba, en parte, con cuestiones de inmunidad soberana tribal, Oklahoma Tax Commission contra Potawatomi Indian Tribe. En vez de aceptar la apelación de Tyonek, la Corte mandó el caso de vuelta al Noveno Circuito y le aconsejó examinar nuevamente el caso Tyonek a la luz de la sentencia de la Corte en Potawatomi. La reciente decisión del Noveno Circuito es en respuesta a esta directiva.

Lo que el Noveno Circuito sentenció

La nueva decisión Tyonek sobre la jurisdicción de la corte federal puede ser dividida en varias partes. Primero, el Noveno Circuito reconfirma su sentencia de 1990 de que una corte federal no puede tratar el caso de Tyonek contra los propietarios porque el caso implica la aplicación de una ley tribal a miembros tribales; tal caso no implica una cuestión federal.

Segundo, el Noveno Circuito sostuvo otra vez, tal como lo hizo en 1990, que las cortes federales pueden tratar el caso de Tyonek contra los arrendatarios, razonando que si una ley tribal se aplica a personas no-miembros de una tribu, levanta una cuestión sobre los poderes de la Tribu bajo la ley federal.

El Noveno Circuito distingue esto de las cuestiones puramente internacionales de ley tribal, que son levantadas cuando una ley tribal es aplicada a miembros tribales. Esta distinción parece arbitraria, ya que en cualquier caso la cuestión es si la ley tribal es validamente aplicada, y en cualquier caso la naturaleza de la soberanía detentada por una tribu levanta cuestiones de ley tribal y federal. La única explicación convincente para esta distinción es que las cortes federales consideran a los casos tribales contra los miembros tribales como »disputas internas« que ellas simplemente no quieren tratar.

Estas dos sentencias significan que si Tyonek desea obtener una sentencia de corte sobre sus poderes para aplicar estas ordenanzas tendrá que demandar a los miembros tribales propietarios en una corte tribal y tendrá la opción de demandar en corte tribal o mantenerse en una corte federal para litigar su demanda contra los arrendatarios.

Otra vez, hay que recordar que *hasta ahora el Noveno Circuito no ha sostenido que Tyonek puede legalmente aplicar estas ordenanzas contra esta gente, sólo que es justo para una corte federal considerar la cuestión estrictamente en lo que atañe a los arrendatarios no miembros.*

Del lado federal, es ciertamente posible que si el caso continúa, las cortes federales van finalmente a sentenciar que la ordenanza de 24 horas de Tyonek es ilegal e inaplicable, aunque AFN ha sido aconsejado de que más probablemente las cortes van finalmente a apoyar la ordenanza.

La cuestión de la Inmunidad Soberana Tribal

Finalmente, el Noveno Circuito tenía que referirse otra vez a la contrademanda de los arrendatarios contra la Tribu. En 1990 la Corte había apoyado la sentencia de la corte de distrito de que la Tribu era una entidad soberana inmune de ser demandada, y el Noveno Circuito tenía que reconsiderar su decisión a la luz de Potawatomi.

Es significativo que la Corte asume que Tyonek es una entidad soberana. Este asunto no es nunca cuestionado o discutido por el Noveno Circuito, aunque fue expresamente

referido y decidido en la corte inferior por el Juez Fitzgerald en 1989. El Juez Fitzgerald había visto sólo un hecho – la organización de Tyonek en la sección 16 del IRA – como prueba de que Tyonek es inmune frente a las demandas. AFN ha sido informado que ésa es la ley y que el caso Potawatomi no cambiaba la ley.

Pero el Noveno Circuito ve a Potawatomi de manera diferente. En su modo de ver, si Tyonek disfruta de la protección de inmunidad soberana debe también establecer que está situada en »Territorio Indio«. Es por esta razón que el Noveno Circuito se siente obligado a referirse a la cuestión del Territorio Indio.

Como se señala en la primera parte, »Territorio Indio« significa un área de tierra que es legalmente tratada de la misma manera que una reserva india, si bien no es llamado una »reserva«, bajo el razonamiento de que los detalles técnicos sobre si un área es llamada una »reserva« no deberían privar a una tribu de su jurisdicción si, como asunto práctico, el área y sus residentes están recibiendo el mismo tratamiento que recibirían si el área fuera de hecho una reserva.

La Corte sentencia que la Aldea de Tyonek es Territorio Indio y rechaza todos los argumentos ofrecidos contra el estatus de »Territorio Indio« como hiper técnicos. Por ejemplo, sobre la cuestión del estatus de la tierra, la Corte encuentra indiferente que la tierra de la aldea sea poseída por traspaso por la corporación de la aldea en vez de en fideicomiso por los Estados Unidos como reserva. De todas maneras, la tierra es poseída por los indios. Hay que notar que el lenguaje de la decisión ve a la tierra como poseída por la Tribu (la »Aldea«); a menos de que esto sea un error, la inferencia es que una corporación aldeana es esencialmente formada por la tribu, y es un brazo de ésta misma por lo que la propiedad de la tierra por la corporación por traspaso pago no disminuye el carácter básico de »Territorio Indio« de la aldea.

Como »Territorio Indio« es un concepto flexible en el cual, además del estatus de la tierra, las cortes deben también mirar la relación entre la Tribu y el gobierno federal, el Noveno Circuito anota brevemente que las aldeas de Alaska siguen beneficiándose del fideicomiso federal-tribal como las 48 tribus Menores, que el gobierno federal continúa promulgando legislación protectora de las aldeas de Alaska, y que el gobierno continúa apoyando financieramente a la Aldea. Tomando todos estos factores en consideración la Corte concluye que Tyonek está en Territorio Indio y por lo tanto tiene inmunidad soberana con respecto a una demanda que implique acontecimientos en el Territorio Indio. La Corte desecha rápidamente la demanda contra los miembros del consejo tribal porque éstos habían sido demandados en sus facultades oficiales por no hacer nada más que votar en una reunión del Consejo Tribal. Por lo tanto la contrademanda de los arrendatarios contra Tyonek es desechada por razones jurisdiccionales.

Implicancias de Tyonek

Como se puede ver, en Tyonek la cuestión del territorio indio surge de una manera indirecta, como parte del análisis de la inmunidad soberana, y no de una discusión sobre el poder de la Tribu o del Estado para hacer algo en la aldea. Pero sigue siendo un hecho que al juzgar que Tyonek es Territorio Indio – en virtud (y no obstante) de que la propiedad de la tierra de la aldea es obtenida por traspaso por una corporación ANCSA, del continuo fideicomiso federal-tribal en Alaska, y del continuo financiamiento federal protector y general – el Noveno Circuito ha virtualmente asegurado que todas las otras aldeas de Alaska que están habitadas por tribus son Territorio Indio y por lo tanto inmunes frente a las demandas.

Una consecuencia de la errónea vinculación por parte del Noveno Circuito de »inmunidad soberana« con el estatus de »Territorio Indio« es que las tribus de Alaska situadas en áreas de territorio no indio no pueden ser inmunes frente a todas las demandas. Si ésto es lo que el Noveno Circuito pretendía, el resultado puede ser devastante para estas tribus.

Las implicancias de todo ésto fuera de las áreas inmunes, sin embargo, están lejos de ser claras. Mientras que el estatus de Territorio Indio, como el estatus tribal, es necesario para la afirmación de los poderes gubernativos tribales de una naturaleza territorial sobre tierra y pueblos, el análisis de los poderes tribales y estatales no termina aquí. (Si lo hiciera, los méritos de la demanda de Tyonek contra los arrendatarios habría sido decidida por el Noveno Circuito, en vez de ser devuelta para ulterior examen). Por ejemplo, como se muestra en las decisiones de la Suprema Corte de Brendales (1989) y Montana (1981), la jurisdicción civil tribal sobre la conducta potencial de los no miembros »Amenaza o tiene algún efecto directo sobre la integridad política, la seguridad económica, o la salud o el bienestar de la tribu.« La decisión Tyonek por lo tanto no apoya la proposición de que los no miembros y sus tierras en aldeas como Tyonek, están sujetos a plena jurisdicción civil tribal en la misma medida que los miembros tribales; en vez, la extensión de la jurisdicción tribal en tales situaciones dependerá del poder tribal particular implicado, los hechos en cuestión, y la naturaleza de los intereses de la Tribu que son protegidos o promovidos.

El Futuro de Tyonek

Tyonek elevará probablemente una petición certificada a la Suprema Corte de los Estados Unidos. Si la Corte acepta el caso, no es predecible, aunque desde nuestro punto de vista ésto es improbable. Si lo hace, es importante recordar que el Ministerio de Justicia tiene antecedentes en favor de la inmunidad soberana de Tyonek, y el año pasado durante la primer serie de apelaciones urgió a la Corte a no aceptar el caso.

La nueva decisión »tentativa« Alyeska versus Kluti-Kaah

El 17 de enero de 1991, la Corte de Distrito Federal de Anchorage sentenció en forma tentativa que nada, en el Acta de Acuerdos de las Demandas Nativas de Alaska ni otra ley, cierra la puerta a la existencia de Territorio Indio o a actividades en tal Territorio Indio. La decisión de 52 páginas fue publicada en Alyeska v. Kluti-Kaah, un caso donde la compañía de oleoductos ha desafiado el poder del consejo tribal local de imponer un impuesto del cinco por ciento. Después que Alyeska Pipeline demandó a Kluti-Kaah, 19 aldeas han sido capaces de expresar sus puntos de vista sobre los méritos del caso.

Para llegar a su sentencia preliminar la corte de distrito federal hace una serie de decisiones, algunas favorables a las aldeas nativas de Alaska, otras no. Las siguientes son, en breve, las más importantes:

Estatus Tribal

La Corte rechaza la presuposición de que todas las aldeas nativas de Alaska alistadas en ANCSA son »tribus« en un sentido político, y en cambio requiere que cualquier aldea que pretenda ser una »tribu« debe probar que es el sucesor moderno de una tribu histórica. Esta sentencia, si es finalizada y afirmada en la apelación, significaría que 230 juicios pueden ser eventualmente necesarios para establecer el estatus tribal de las aldeas nativas de Alaska.

Rechazando la presuposición de que las aldeas llamadas ANCSA son tribus, la Corte:

a) rechaza el argumento de que la Corte de Apelaciones del Noveno Circuito sentenció en forma diferente en Noatak v. Hoffman

b) rechaza el argumento de que ANCSA en sí misma constituye un reconocimiento del Congreso del estatus tribal de todas las aldeas ANCSA
c) rechaza el argumento de que varias decisiones del Poder Ejecutivo confirmando la existencia de tribus en Alaska como un asunto general significa que Copper Center, (o cualquier otra aldea), en particular es una tribu
d) rechaza el argumento de que las acciones del Congreso con respecto a ANCSA en otras áreas (como el Acta de Bienestar Infantil Indio) obliga a la conclusión de que una aldea beneficiada por tal ley es un tribu soberana; y
e) rechaza el argumento de que las listas del Ministerio del Interior de 1982 a 1986 reflejan una deliberada determinación de que todas las aldeas listadas son tribus.

En este último punto la Corte encuentra específicamente que las varias listas antiguas del Ministerio del Interior deben ser reconciliadas con la lista del Ministerio de 1988, en la cual por primera vez, el Ministerio sugiere que las aldeas nativas de Alaska no son necesariamente tribus.

Jurisdicción Tribal de Corte. La Corte sentencia que la demanda legal será sólo referida a corte tribal si la corte federal determina primero que Copper Center es una tribu y que está situada en Territorio Indio. La Tribu ha exhortado a la corte a aplicar la »regla de agotamiento de corte tribal« a la cuestión del Territorio Indio. La Corte declinó hacer ésto.

Impuestos fuera de una reserva. La Corte sentencia que, en general, el poder tribal de imponer impuestos no está técnicamente limitado a las »reservas« formales. En cambio, el poder se extiende a otras áreas que califican al estatus de Territorio Indio. Tales áreas son lugares donde la naturaleza de la tenencia de la tierra, residencia de una tribu, relación de la tribu y sus miembros con el gobierno federal, y las actividades del gobierno federal, en combinación llevan a la conclusión de que por razones prácticas la categorización de »reserva« es indiferente.

Efecto de ANCSA sobre el Territorio Indio. La Corte sentencia que nada en ANCSA impide la existencia de Territorio Indio en Alaska, y prosigue sosteniendo que la existencia de Territorio Indio no depende de si la tribu posee realmente la tierra en cuestión. La corte deja abierta específicamente la posibilidad de que el Territorio Indio pueda encontrarse en un área donde la tierra es poseída por una corporación ANCSA.

Determinación del estatus de Territorio Indio. La Corte sentencia que si un área es »Territorio Indio« es un asunto de hecho que requiere un juicio en la corte federal y no puede ser decidido como una cuestión legal abstracta.

El oleoducto y el Territorio Indio. La Corte sentencia que si el área de Copper Center, atravesada por el oleoducto, resulta ser Territorio Indio, el derecho de paso del oleoducto también tiene que ser incluido. La corte rechaza la noción que la historia administrativa y estatutaria del corredor del oleoducto le impide ser Territorio Indio.

Como se ha señalado antes, la decisión de la corte es sólo una decisión »tentativa«. La corte explica que su decisión fue finalizada inmediatamente antes de la reciente decisión Tyonek del Noveno Circuito, y el juez no ha tratado de examinar la nueva decisión para ver si alguna de sus decisiones deberían ser cambiadas ahora. El juez prosigue explicando que éso es lo que hará cuando todas las apelaciones del caso Tyonek estén terminadas, un proceso que podría tomar varios meses, y posiblemente un año o más.

Dado que el Noveno Circuito en Tyonek ha sentenciado que Tyonek es Territorio Indio, creemos que los mismos factores, si son aplicados en Copper Center, llevarían a una corte a concluir que también es Territorio Indio. Al mismo tiempo, también creemos que la Corte continuaría considerando la cuestión como específicamente de hecho y por tanto requeriría un juicio. Por esa razón, consideramos a Tyonek como reafirmando las sentencias de »Territorio Indio« en el caso Alyeska, pero no cambiando esas sentencias. En breve, si el caso Tyonek no es cambiado en la apelación, creemos que la decisión »tentativa« del caso de Alyeska será finalizada con muy pocos cambios sustanciales.

Sumario de los casos recientes de »Territorio Indio«

Se puede encontrar apoyo a la presunción de que muchas aldeas nativas de Alaska constituyen Territorio Indio en la decisión sobre Tyonek y en la del Juez Federal Vonder Heydt del 9 de octubre de 1990, la decisión de Chilkat (el caso de los artefactos). También se puede encontrar apoyo en el caso impositivo de Venetie del Noveno Circuito (estableciendo el análisis de Territorio Indio), su caso Venetie ICWA (rechazando todas las antiguas sentencias contrarias del Juez Deady) y la nueva opinión »tentativa« del Juez Holland en el caso Kluti-Kaah. No es probable que estas decisiones sean controvertidas por el sistema de cortes estatal.

Las cuestiones de Estatus Tribal y las regulaciones de »FAP«

La cuestión general del estatus tribal para las aldeas nativas de Alaska no está directamente implicado por la nueva decisión Tyonek del Noveno Circuito, ya que sólo discute la Aldea de Tyonek. Sin embargo, así se refiere -al menos en las aldeas organizadas según la 16 sección de IRA (si no consejos tradicionales)- en la decisión de la corte inferior de Tyonek, y más ampliamente a todas las aldeas nativas ANCSA en la decisión Noatak del Noveno Circuito de 1990.

Generalmente, estas decisiones del Noveno Circuito apoyan la proposición de que las aldeas de Alaska son tribus, y que el Congreso y el Ministerio del Interior las han reconocido ampliamente como tales. En las regulaciones propuestas del nuevo Proceso de Reconocimiento Federal (FAP), sin embargo, el Ministro del Interior ha sugerido, así como en su lista »tribal« de 1988, que a menos que el Ministro rescinda su ambigua lista de 1988 (dejando en su lugar a la lista de 1986 hasta que una nueva lista, más actualizada sea publicada), las discusiones sobre la cuestión del estatus tribal persistirán. Los comentarios sobre las regulaciones FAP y una petición para rechazar la lista de 1988 han sido sometidos al Departamento.

Las pautas de estos acontecimientos pueden decidir finalmente si las Aldeas Nativas de Alaska requerirán o no, 230 juicios o peticiones FAP para probar su estatus tribal. Probando la cuestión de »estatus tribal como asunto legal«, se debe confrontar el caso Venetie ICWA, donde el Noveno Circuito indicó que una aldea de Alaska es sólo una tribu en el sentido político si es el sucesor moderno de una tribu histórica. Lo que falta en la decisión de Venetie es toda discusión de los argumentos (referidos en el informe de AFN en el caso Noatak) en apoyo de la proposición de que todas las aldeas nativas modernas listadas en ANCSA son reconocidas como tribus. Es decir, la decisión Venetie sugiere, pero no afirma definitivamente, que debe hacerse, para cada tribu, una investigación de hechos, vinculando a la aldea moderna a un tribu histórica soberana. Muchas autoridades apoyan la contrapropuesta de que una investigación de hechos no es necesaria porque las tribus de Alaska

ya han sido reconocidas por el Congreso y el Ministerio del Interior y tal reconocimiento es absolutamente obligatorio en las cortes. Al no rechazar en realidad estos argumentos, el Noveno Circuito en el caso Venetie ha dejado abierto, teóricamente, el argumento de que todas las aldeas de Alaska son tribus desde un punto de vista legal.

La sentencia preliminar del Juez Holland en el caso Kluti-Kaah, está en desacuerdo con esta afirmación de Venetie y rechaza específicamente la propuesta de que cualquier acción previa del Congreso o del Ministerio del Interior haya reconocido el estatus tribal de todas las Aldeas Nativas de Alaska. El juez Holland rechaza uno de los mejores argumentos en favor de un reconocimiento previo -las varias listas de 1982-1986 publicadas por el Ministerio del Interior- en base de que el preámbulo y la explicaión de la última lista (1988) revela que el Ministerio del Interior nunca tuvo la intención de usar esas listas previas para reconocer específicamente cualquier aldea en particular como tribu. Este es el primer ejemplo de cómo el lenguaje del preámbulo de la lista tribal de 1988 puede ser usado para cuestionar el estatus tribal de las aldeas de Alaska, y forzarlas a 230 demandas legales para probar su estatus tribal

En alguna medida este punto de vista de la lista de 1988 está en conflicto con una serie de muy recientes opiniones sobre este punto, incluyendo la Política India de 1991 del Presidente Bush y el folleto BIA de 1991 de la Comisión de Asuntos Indios que describe específicamente a las aldeas de Alaska como tribus políticas. Todas estas opiniones son revisadas en la petición de rechazo de la lista de 1988.

Opinión Legal Anticipada del Ministerio del Interior sobre el Estatus y Poder de las Tribus de Alaska

El abogado del Ministerio del Interior está preparando un tipo de revisión comprehensiva de los poderes de las aldeas Nativas de Alaska, particularmente sobre las áreas de tierra y los no miembros. El Secretario Lujan, en octubre de 1991, se comprometió a consultar con AFN para la preparación de esta opinión.

Se puede argumentar que las cortes federales han dado ahora su opinión, y por lo tanto no es más necesario (si es que lo fue alguna vez) que el Ministerio del Interior gaste sus fuerzas tratando de resolver cuestiones que ya han sido resueltas por las cortes. También se puede argumentar que la cuestión específica del estatus tribal aldeano no es más una cuestión abierta, anotando el caso Noatak como ejemplo. Finalmente, en el caso impositivo de Venetie y el caso de artefactos de Chilkat, y ahora, los casos Tyonek y Kluti-Kaah, las cortes federales han sostenido que las leyes generales de »Territorio Inidio« se aplican con la misma fuerza en Alaska que en cualquier otro lado.

Se ha sugerido en forma amplia, que el Estado de Alaska ha reaccionado en forma excesiva con respecto a la decisión de Tyonek, leyendo más en ella de lo que realmente hay; si es así, una opinión legal del Ministerio del Interior es probable que sea explosiva y polarice aún más a todas las partes involucradas. Esto no es del interés ni del Ministerio del Interior, ni del Estado de Alaska o las aldeas Nativas.

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the Legacy of Canada's Inuit Relocation Experiment in the High Arctic

por Alan R. Marcus

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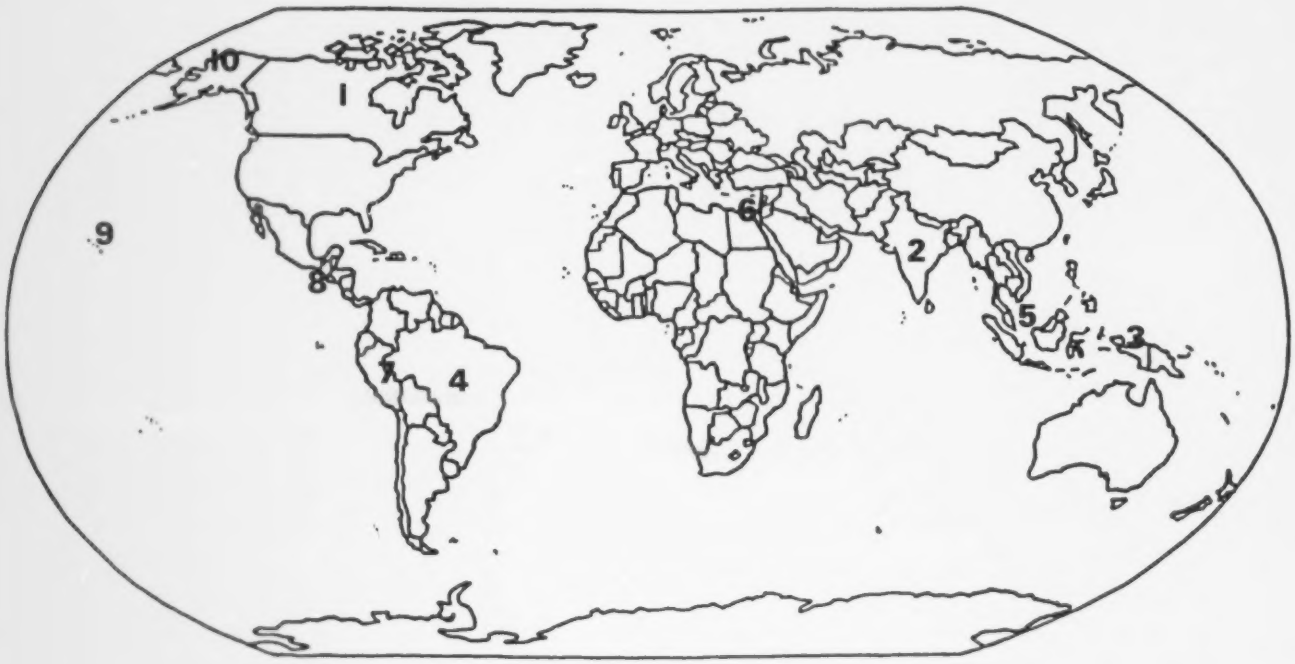

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Editorial

A 500 años de la presencia europea en América, los indígenas del continente siguen siendo, en las palabras de Eduardo Galeano, "...víctimas del más gigantesco despojo de la historia universal, siguen sufriendo la usurpación de los últimos restos de sus tierras, y siguen condenados a la negación de su identidad diferente. Para ellos, la conquista continúa".

Con motivo de estos cinco siglos de conquista, dedicamos este Boletín a la situación de los indígenas del continente americano.

En este contexto un tema ineludible es la cuestión socioambiental de la Amazonía brasileña y la contribución indígena para la conservación del medio ambiente. Si bien los indios son minoría en el Brasil, ellos están en el centro de la problemática ambiental de la Amazonía. El artículo que aquí publicamos sostiene que las fuerzas económicas que amenazan a los indígenas son similares a las que destruyen la selva o llevan a la pobreza a la mitad de los brasileños. Sin embargo los indios son los mejores conocedores de la biodiversidad de la selva y quienes tendrían la capacidad de llevar adelante actividades productivas sin la devastación de la selva.

Un claro ejemplo de la grave situación que viven los indígenas de la Amazonía es el caso del Area Indígena Sararé, donde los indios *nambiquara* continúan sufriendo las consecuencias de la invasión de sus tierras por parte de los buscadores de oro.

Mientras tanto en Ginebra se celebró la décima reunión del Grupo de Trabajo de las Naciones Unidas sobre Poblaciones Indígenas. En esa ocasión, IWGIA entrevistó a cinco líderes indígenas de los pueblos *mohawk* (Canadá), *blackfoot* (Estados Unidos), *triqui* (Méjico), *quiché* (Guatemala) y *amarakaeri* (Perú), sobre los 500 años de resistencia indígena, sobre su identidad y futuro.

También presentamos, bajo la óptica del fotógrafo Sebastião Salgado, una selección de su trabajo "Otras Américas" sobre los indígenas latinoamericanos.

En Ecuador persiste la resistencia de las organizaciones indígenas contra el despojo de sus tierras y la contaminación ambiental como ha sido demostrado con la marcha de abril donde miles de indios de la selva se dirigieron a la capital del país para protestar por su situación.

Uruguay por su parte exterminó a su población indígena a comienzos del presente siglo y así el país se ha enorgullecido de verse libre del "problema indígena". Pero a comienzos de los años 70 se asentaron en el país algunas familias *guaraní-mbya* provenientes del Paraguay. La nueva presencia indígena llamó la atención sobre una problemática a la que los uruguayos permanecían ajenos.

En Guatemala, miles de indígenas *maya* se vieron obligados a dejar sus tierras para refugiarse en Florida, Estados Unidos, a causa de la violencia en la región centroamericana. En los diez años que los mayas se establecieron en la comunidad de El Pueblo de los Indios (Indiantown), ésta se ha adaptado a ellos así como los inmigrantes han cambiado diferentes aspectos de sus costumbres. Mientras que Allan Burns analiza aquí los cambios en la identidad y organización de los mayas refugiados en Florida, José Camposeco acompaña la trágica historia del exilio maya en la figura del indio Pilín Shapín.

Para finalizar, y más allá de la conquista española, presentamos un estudio sobre los mitos en la Amazonía y los Andes. Los orígenes de las identidades de los indígenas americanos se remontan a las historias prehispánicas. La historia cultural considerada en este artículo muestra la interrelación fundamental de la costa, los Andes y la selva a pesar del aislamiento mutuo que predomina hoy. ❑

Alejandro Parellada

Portada: *San Juán - Chimborazo. Ecuador. Foto: Sebastião Salgado*

El Otrocidio

Por: Eduardo Galeano

El arzobispo Desmond Tutu se refiere al Africa, pero también vale para América:
-vinieron. Ellos tenían la Biblia y nosotros teníamos la tierra. Y nos dijeron: »Cierren los ojos y recen«. Y cuando abrimos los ojos, ellos tenían la tierra y nosotros teníamos la Biblia.

Los Indios de las Américas, víctimas del más gigantesco despojo de la historia universal, siguen sufriendo la usurpación de los últimos restos de sus tierras, y siguen condenados a la negación de su identidad diferente. Para ellos, la conquista continúa. Se les sigue prohibiendo vivir a su modo y manera, se les sigue negando el derecho de ser. Al principio, el saqueo y el otrocidio fueron ejecutados en nombre del Dios de los cielos. Ahora se cumplen en nombre del Dios del progreso.

Antes y ahora, el racismo convierte al despojo colonial en un acto de justicia. El colonizado es un sub-hombre, capaz de superstición pero incapaz de religión, capaz de folclore pero incapaz de cultura, capaz de artesanías pero incapaz de arte: el sub-hombre merece trato sub-humano, y su escaso valor corresponde al bajo precio de los frutos de su trabajo. El racismo legítima la rapiña colonial y neocolonial, todo a lo largo de los siglos y de los diversos niveles de sus humillaciones sucesivas. América Latina trata a sus indios como las grandes potencias tratan a América Latina.

La Iglesia admitió, en 1537, que los indios estaban dotados de alma y razón, pero bendijo el crimen y el saqueo: al fin y al cabo, los indios eran sub-personas poseídas por el demonio y, por lo tanto, no tenían derechos. Los conquistadores eran el brazo armado de Dios extirpando la idolatría, y los indios ofrecían continuas pruebas de inferioridad y perdición y motivos indudables de condenación:

¿Se suicidan los indios de las islas del mar Caribe, por negarse al trabajo esclavo? Porque son holgazanes.

¿Andan desnudos, como si todo el cuerpo fuera cara? Porque los salvajes no tienen vergüenza.

¿Ignoran el derecho de propiedad, y comparten todo, y carecen de afán de riqueza? Porque son más parientes del mono que del hombre.

¿Se bañan con sospechosa frecuencia? Porque se parecen a los herejes de la secta de Mahoma, que bien arden en los fuegos de la Inquisición.

¿Jamás golpean a los niños, y los dejan andar libres? Porque son incapaces de doctrina ni castigo.

¿Creen en los sueños, y obedecen a sus voces? Por influencia de Satanás o por pura estupidez.

¿Comen cuando tienen hambre, y no cuando es hora de comer? Porque son incapaces de dominar sus instintos.

¿Aman cuando sienten deseo? Porque el demonio los induce a repetir el pecado original.

¿Es libre la homosexualidad? ¿La virginidad no tiene importancia ninguna? Porque viven en la antesala del infierno.

Desde el principio, fue una historia de equívocos. Cristóbal Colón creyó que Haití era Japón y que Cuba era China, y creyó que los habitantes de China y Japón eran indios de la India.

Cuando se supo que Colón había llegado a una tierra que Europa no conocía, se llamó »Descubrimiento« a este regalo del azar, como si España hubiera sido descubierta por las legiones romanas que la invadieron en el año 218 antes de Cristo.

Apenas cuatro años después del tal »Descubrimiento«, el hermano de Cristóbal, Bartolomé Colón, inauguró el quemadero de Haití. Seis indios, culpables de sacrilegio, ardieron en la pira. Los indios habían cometido sacrilegio porque habían enterrado unas estampitas de Jesucristo y la Virgen. Pero ellos las habían enterrado para que estos nuevos dioses hicieran más fecunda la siembra del maíz, y no tenían la menor idea de pecado o culpa.

Desde entonces, los indios han sido y son condenados por el delito de ser. El 12 de octubre de 1492, Cristóbal Colón escribió en su diario que él quería llevarse algunos indios a España para que aprendan a hablar (»que deprendan fablar«).

Cinco siglos después, el 12 de octubre de 1989, en una corte de justicia de los Estados Unidos, un indio mixteco fue considerado retrasado mental (»mentally retarded«) porque no hablaba correctamente la lengua castellana. Ladislado Pastrana, mexicano de Oaxaca, bracero ilegal en los campos de California, iba a ser encerrado de por vida en un asilo público. Pastrana no se entendía con la intérprete española y el psicólogo diagnosticó un claro déficit intelectual. Finalmente, los antropólogos aclararon la situación: Pastrana se expresaba perfectamente en su lengua, la lengua mixteca, que hablan los indios herederos de una alta cultura que tiene más de dos mil años de antigüedad.

Los indios de las Américas viven exiliados en su propia tierra. El lenguaje no es una señal de identidad, sino una marca de maldición. No los distingue: los delata. Cuando un indio renuncia a su lengua, empieza a civilizarse. ¿Empieza a civilizarse o empieza a suicidarse?

Guatemala, pongamos por caso: Guatemala desprecia a los indios, Guatemala se autodesprecia. De cada diez guatemaltecos, seis son indios, pero en Guatemala la palabra »indio« se usa como insulto. Las lenguas nativas son meros ruidos guturales y la religión nativa, pura idolatría, porque para los indios toda tierra es iglesia y todo bosque, santuario. En este país se descubrió, hace pocos años, el mayor yacimiento de petróleo de América Central: en los años ochenta, en consecuencia, ocurrió la matanza. Hoy el ejército reconoce, con alegre impunidad, que ha borrado del mapa 440 aldeas indígenas entre 1981 y 1983. Los conquistadores ya no usan caparazones de hierro, sino que visten uniformes de la guerra de Vietnam. Y no tienen piel blanca: son mestizos avergonzados de su sangre o indios enrolados a la fuerza y obligados a cometer crímenes que los suicidan. La represión es una cruel ceremonia de exorcismo. No hay más que mirar las fotos, las caras de los oficiales y los grandes figurones: estos nietos de indios, desertores de su cultura, sueñan con ser George Custer o Buffalo Bill y ansían convertir a Guatemala en un gigantesco supermercado. El racismo brinda coartadas al crimen: una raza inferior, condenada al vicio y a la holgazanería, incapaz de orden y progreso, merece el horror.

Mil doscientos años antes que los matemáticos europeos, esta raza inferior había des-

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"Otrocidio" por Hermenegildo Sabát

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cubierto la cifra cero. Y había conocido la edad del universo, con asombrosa precisión, mil años antes que los astrónomos de nuestro tiempo. Actualmente, los mayas siguen siendo viajeros del tiempo:

–¿Qué es un hombre en el camino? Tiempo.

El tiempo, fundador del espacio, les parece sagrado, como sagrados son su hija, la tierra, y su hijo, el ser humano: como la tierra, como la gente, el tiempo no se puede comprar ni vender. La Civilización sigue haciendo lo posible por sacarlos del error.

¿Civilización? La historia cambia según la voz que la cuenta. En América, en Europa, o en cualquier otra parte. Lo que para los romanos fue la invasión de bárbaros, para los alemanes fue la emigración al sur.

No es la voz de los indios la que ha contado, hasta ahora, la historia de América. En las vísperas de la conquista española, un profeta maya, que fue boca de los dioses, había anunciado: Al terminar la codicia, se desatará la cara, se desatarán las manos, se desatarán los pies del mundo. Y cuando se desate la boca, ¿que dirá? ¿que dirá la otra voz, la jamás escuchada?

Se acercan los quinientos años del llamado Descubrimiento, y ya va siendo hora de que América se descubra a sí misma. (Y cuando digo América, no me refiero solamente al norte, sino también a la América que ha sido despojada de todo, hasta del nombre, a lo largo de estos cinco siglos de servicio al progreso ajeno).

Y este necesario descubrimiento, revelación de la cara oculta bajo las máscaras, pasa por el rescate de algunas de nuestras tradiciones más antiguas.

No soy de los que creen en las tradiciones por ser tradiciones: creo en las herencias que multiplican la libertad humana, y no en las que la enjaulan. Parece obvio aclararlo, pero nunca está demás: cuando se refiere a las remotas voces que desde el pasado nos ayudan a encontrar respuesta a los desafíos del tiempo presente, no estoy proponiendo la reivindicación de los ritos de sacrificio que ofrecían corazones humanos a los dioses, ni estoy haciendo el elogio del despotismo de los reyes incas o aztecas. En cambio, estoy celebrando el hecho de que América pueda encontrar, en sus más antiguas fuentes, sus más jóvenes energías: el pasado dice cosas que interesan al futuro.

Es desde la esperanza, y no desde la nostalgia, que hay que reivindicar el modo comunitario de producción y de vida, fundado en la solidaridad y no en la codicia, la relación de identidad entre el hombre y la naturaleza y las viejas costumbres de libertad. No existe, creo, mejor manera de rendir homenaje a los indios, que desde el Artico hasta la Tierra del Fuego han sido capaces de atravesar sucesivas campañas de exterminio y han mantenido viva su identidad y vivo su mensaje. Ellos, las principales víctimas de estos quinientos años, siguen brindando a toda América, y no sólo a nuestra América Latina, claves fundamentales de memoria y profecía.

Esa es la oscura amenaza que los indios irradian, porfiadamente viva a pesar del largo tiempo del crimen y el desprecio.

Esos son los fantasmas que exorcizan sus verdugos. Ese es el pánico que el racismo delata: el pánico testimonio de otra América posible, que no repite la historia pero que la contiene.

Memoria de los días idos, memoria de los días por venir. Para los navegantes con ganas de viento, la memoria es un puerto de partida. ❑

Publicaciones Recibidas

KONING, Hans

Colón y su Empresa.

EEUU: Monthly Review Press; Gran Bretaña: Latin America Bureau

Una amarga y controversial exposición de la realidad detrás del mito de Colón. Para Koning, Colón no es el héroe marino de los libros de escuela, sino un hombre con una obsesión, cuyo fanatismo y crueldad ensombrece la fama de la conquista que encabezó.

En un claro y legible estilo, Koning explica el estado de Europa al final del siglo XV, y cómo fue que el hijo de un tejedor se las arregló para persuadir a la familia real española que lo respaldara en su búsqueda de una ruta occidental a las »Indias«. Los cuatro viajes son descritos, y relata, con horrendos detalles, los devastadores efectos del »descubrimiento« sobre los pueblos nativos del continente.

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La co-responsabilidad internacional en la cuestión indígena y ambiental de la Amazonía Brasileña

Por: Mauro Leonel, Betty Mindlin y Carmen Junqueira

Este trabajo resume algunas consideraciones de los investigadores del IAMA-Instituto de Antropología y Medio Ambiente, sobre la interrelación entre la degradación ambiental, la destrucción de los bosques tropicales, la dependencia externa, el modelo exportador y el avance de la frontera económica. Pretende destacar algunos temas socioambientales, tomando como ejemplo la Amazonía brasileña, y la actualidad del derecho y de la contribución de la minoría indígena, al esfuerzo común de conservación del planeta. El objetivo es juntar algunos tópicos, que reaparecen con frecuencia, pero algunas veces dispersos, en este año fértil para el diálogo con las múltiples visiones y propuestas, más o menos consensuales, pero que contribuyen para aumentar la eficacia del entusiasmo que despierta hoy la preservación de la biodiversidad. Para orientar un esfuerzo común por una mejor calidad de vida en el planeta, uno de los caminos es constatar que la degradación ambiental viene acompañada de la degradación de las relaciones que los pueblos, las culturas y los seres humanos, mantienen los unos con los otros.

1. Introducción: la responsabilidad internacional

Hay una clara relación entre pobreza y degradación ambiental, opresión de las minorías étnicas y dependencia económica, en particular en los países del llamado tercer mundo. Un primer orden de explicación debe ser buscado en las relaciones económicas desiguales entre países ricos y pobres, y en la herencia del colonialismo. Un segundo orden debe considerar las relaciones en el interior de estos países.

La deuda externa de los países del tercer mundo fue estimada en casi un trillón doscientos billones de dólares. La llamada ayuda externa al tercer mundo, de cerca de 40,3 billones de dólares(1) es inferior al servicio de la deuda (de intereses y amortizaciones) que los países pobres pagan a los ricos.(2) O sea, la ayuda externa es anualmente menor que los recursos transferidos a los países ricos, que definen el monto a pagar de intereses.

Es verdad que el comportamiento de los países ricos es diferenciado entre sí, por ejemplo, países como Noruega, Holanda, Dinamarca, Suecia y Francia, gastan proporcionalmente más en ayuda externa que los Estados Unidos, Japón, Suiza, Austria, Inglaterra y Alemania, no obstante que estos últimos sean comparativamente los mayores acreedores del tercer mundo. Algunos privilegian apenas a sus propias ex colonias, o simplemente financian obras de infraestructura para facilitar las importaciones que necesitan.(3)

La base desigual en que se da el intercambio internacional y el dominio de la tecnología están en el origen de esa dependencia que estrangula al tercer mundo. Los países pobres están obligados a disputar los mercados del primer mundo, como la única salida para acumular monedas estables para pagar tan pesadas obligaciones. Se enfrentan con dos factores adversos: las medidas de protección de los mercados desarrollados y los bajos precios en que son cotizados sus productos, en general materias primas, recursos naturales no renovables, generalmente con poco valor adicional.

Esas son tesis antiguas de una de las vertientes de la economía política, pero la situación no parece haberse alterado. Al contrario: los 7 países grandes, en los últimos 20 años, pasaron a dominar el 70% de la renta mundial (Estados Unidos, Inglaterra, Canadá, Japón, Alemania, Francia y la URSS). Es tal la disparidad entre la renta de los unos, y la deuda y la dependencia de los otros, que si un dólar de cada 1.000 dólares de las transacciones de las Bolsas de Valores de Tokio, Londres y Nueva York fueran retirados, la deuda del tercer mundo sería pagada en un año. Las diferencias entre los países ricos y pobres, en el siglo XVIII eran de 2 a 1; hoy son del orden de 100 a 1.

Por otro lado, se estableció, a partir de la competencia por los mercados desarrollados, un aumento de los gastos de armamentos de éstos países ya empobrecidos. Los países desarrollados gastan 860 billones de dólares por año en armamentos. Los países en desarrollo gastan 170 billones, de los cua-

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les 38 billones son comprados a los países ricos(4). El desarme mundial, si dejase de ser una especulación, y pasase a ser una condición de programa político eficaz, reorientado al desarrollo sustentable, liberaría en poco tiempo a los países pobres de la carga de la deuda externa, y a la humanidad de un enorme desperdicio.

2. La responsabilidad nacional

La responsabilidad por la pobreza y por la degradación ambiental tiene dos faces interligadas. Un segundo orden de explicaciones, en una esfera propia, es la forma por la cual las élites del tercer mundo estimulan en su propio favor una excesiva concentración de la renta, en perjuicio de la mayoría de la población, intermediando intercambios internacionales desiguales.

El gobierno brasileño ha sido el que más enfatiza en los foros internacionales la cuestión de la soberanía, siempre y cuando la cuestión ambiental surja como una perspectiva de responsabilidad global, futuro común y esfuerzo planetario. Argumenta, con diversos matices, que pretende reservarse el derecho a la degradación, por necesidades de desarrollo. Enfatiza que los países ricos son por lejos los mayores contaminadores, lo que no deja de tener razón. Mientras tanto, su modelo de desarrollo endocolonial, en particular en lo que se refiere a la apertura de nuevas fronteras económicas, como la Amazonía, es también una reproducción de las relaciones de intercambio desiguales que se mantienen con los países de las economías centrales del hemisferio norte.

Con frecuencia, las alternativas propuestas por el gobierno como vía para el progreso y para pagar la deuda externa, de U$ 110 billones, implican una alta degradación ambiental. En el caso de la Amazonía, el gobierno y las élites afirman necesitar los recursos madereros, minerales e hidroeléctricos para alcanzar los niveles de vida del primer mundo. Se interpretan las manifestaciones de conciencia ambientalista crecientes, o de la defensa de los derechos de las minorías, como una tentativa camuflada de internacionalización de la Amazonía, de ingerencia externa en el espacio geopolítico brasileño.

La manifestación de esta interpretación gubernamental y de las élites, viene siendo la resistencia de la diplomacia brasileña al esmero de las instituciones internacionales de control ambiental, desde Estocolmo, en 1972, en la primera conferencia internacional sobre el ambiente del planeta.

En el caso brasileño, no se debe olvidar el carácter ilegítimo, antidemocrático, de la deuda externa contraída por los gobiernos militares, en favor de grandes empresas que favorecían a una minoría, intermediando los intereses de los países ricos. No se puede olvidar que estos gobiernos autoritarios brasileños contaban con el reconocimiento y el apoyo económico interesado de los países desarrollados. El gobierno brasileño se endeudó con el exterior al realizar grandes proyectos económicos, justificados por el propósito de exportar para el primer mundo materias primas, o en el mejor de las hipótesis, productos industrializados fabricados con mucha energía y poca tecnología, con alto costo ambiental.

Todos los grandes proyectos, que suman hoy el equivalente a la deuda externa brasileña, combinan el modelo exportador, dependencia externa, degradación ambiental, aumento de la pobreza y opresión de la minoría indígena. Como en estos ejemplos, se refieren generalmente a:

1) polos minerales, como el hierro y el aluminio en el caso de Carajás (U$ 1,8 billones/CEE/Japón/Banco Mundial), que implicó la construcción de una vía de ferrocarril para el transporte minero;
2) grandes represas hidroeléctricas, como Tucuruí (U$ 16 billones), para producir energía para la exportación de aluminio; Itaipu (U$ 23 billones); Balbina y Samuel (Francia/Brasil);
3) Angra dos Reis (U$ 15 billones), programa nuclear Brasil-Alemania.
4) Carreteras, como la Transamazónica (U$ 450 millones – BID); Polonoroeste, con el asfaltado de Cuiabá-Porto Velho (U$ 1,5 billones, 450 millones – Banco Mundial), para pavimentación de carreteras, abriendo la ocupación empresarial del centro-oeste, explotación de madera y minerales como la casiterita y oro; actualmente, el asfaltado del trecho Porto Velho-Rio Branco (U$ 160 millones – BID), y pretende el asfaltado sin medidas previas hasta el Océano Pacífico.

Todos estos grandes proyectos fueron hechos sin ninguna decisión popular y democrática, decididos por gobiernos de la dictadura militar. El modelo de explotación no industrializada de recursos no renovables exigió comunicaciones, energía y carreteras asfaltadas. Fueron privilegiados los intereses y el lucro de pocas empresas – como el oligopolio de las constructoras de obras públicas, en el Brasil algunas grandes hermanas, como Camargo Correia, Andrade Gutierrez, Odebrecht, Mendes Júnior, Paranapanema y otras, encargadas de la construcción o pavimentación de carreteras, represas hidroeléctricas, plantas mineras, todas con influencia palaciega decisiva en los planeamientos y decisiones gubernamentales.

Nunca hubo, por consiguiente, una discusión democrática sobre la conveniencia o no de los grandes proyectos, sobre lo qué debe ser el desarrollo, sobre la necesidad de ampliación del mercado interno, en vez del modelo exportador e introduciendo, como imperiosa primacía, la eliminación de las desigualdades sociales y económicas internas brasileñas. Lo que la élite brasileña impone a la sociedad como un todo ha sido un modelo que contiene dentro de sí, a pesar de los años de crecimiento industrial y del PIB, una depredación de los recursos naturales y la expansión de la pobreza y el desempleo, en particular en regiones de frontera y parte de la Amazonía, hacia donde millones de migrantes fueron inducidos a buscar, sin éxito, una mejor vida.

La ausencia de mecanismos sociales reguladores, por otro lado, permite la tendencia a la miseria y la degradación ambiental, dada la fragilidad de las instituciones y de la sociedad civil brasileña. Somos un país en que el 10% de la población detenta el 46% de la renta nacional, o sea, uno de los mayores índices de desigualdad del mundo actual. La concentración de la renta aumentó en los últimos años, y los niveles de escolaridad son inferiores a los de Paraguay o Colombia, países con una menor producción industrial. Curiosa sociedad ésta, dónde conviven los altos índices de producción industrial con los índices más bajos de pobreza del mundo contemporáneo, en una variante económica del apartheid.

Por otro lado, algunas mentalidades del hemisferio norte parecen pretender eximirse de cualquier responsabilidad en cuanto al pasado de acumulación que provocó y provoca importantes daños ambientales y a la minoría indígena de la Amazonía. Como si incumbiese sólo al gobierno y a la sociedad brasileña reponer y controlar los daños ocasionados por las explotaciones que generan recursos que, en última instancia, son drenados al exterior. Un buen ejemplo es el »garimpo« (explotación del oro): generó U$ 10 billones de dólares de la Amazonía brasileña en la última década, según un estudio del Banco Mundial. Muy poco quedó aquí, y en pocas manos. Es difícil esperar que se pueda reponer y prevenir, sobre todo cuando las acciones que degradan son, con frecuencia, articuladas o encomendadas por intereses no residentes.

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3. Pobreza y degradación ambiental

La degradación ambiental y la miseria son dos caras de una misma moneda. La estructura de tierras se concentró por estímulo de una política fiscal favorecedora de empresas y del acaparamiento de tierras incultas u otras, como si allí no hubiese ya poblaciones originarias y de antiguas ocupaciones. Los 527 proyectos de ocupación de tierras con incentivos fiscales para la ganadería en la Amazonía (U$ 1 billón – 1975 a 85) resultaron en 8 millones de hectáreas desarboladas y provocaron el éxodo de millares de antiguos ocupantes sin títulos.

El conjunto de incentivos fiscales de la Amazonía es uno, apenas, de los ejemplos de políticas que favorecieron a las grandes empresas en detrimento de políticas sociales. Las cifras de desempleo y pobreza lo comprueban: 12 millones de trabajadores sin tierra, casi 7,5 millones de familias como meta de asentamiento rural en 1985, estimándose un contingente de 30 millones de miserables entre los sin tierra y sus dependientes(5).

Esta concentración terrateniente, iniciada en el sureste del país, al norte del Paraná con el ganado y la soja, expandiéndose para el oeste de San Pablo, con los cítricos, la caña de azúcar y el ganado, en dirección al Mato Grosso, fue llevando consigo una masa de miserables sin tierra. La monocultura de exportación se tornó la actividad agrícola por excelencia, degradando los suelos y aumentando la pobreza rural.

No hay duda de que la concentración de tierras fue la proveedora de los desesperados que irán a constituir esa masa de 1 millón de *garimpeiros*, y de otros 3 millones de miserables que de ellos dependen, una población errante, que nada gana con el más grave daño ambiental a largo plazo de los ríos de la Amazonía, que es el garimpo. La falta de tierras, y el modelo industrial también concentrador, es responsable además de los 1,5 millones de desocupados de una megalópolis como San Pablo, de 20 millones de habitantes. La excesiva concentración de tierras creó también la colonización descontrolada en dirección a los suelos infértiles de la Amazonía, resultando en centenas de millares de colonos víctimas de la malaria y culminando por crear las nuevas periferias de las viejas ciudades de la Amazonía, las ciudades nuevas, de las que más crecen del mundo, como en el caso de Rondonia, donde dos tercios de la población se encuentran en las periferias miserables e insalubres de las ciudades, a pesar de la política gubernamental que pretende estimular lo contrario, o sea, la colonización por la agricultura, y no por la urbanización. Es verdad que estos contingentes pasan, devastan al servicio de otros, y sufren de malaria y cólera, actualmente en dirección hacia Acre y Roraima.

La Amazonía está repitiendo la ocupación endocolonial del sureste del país. Su población es hoy estimada en 14 millones de personas, la mayoría absoluta en las ciudades, más del 60%. Manaos, por ejemplo, con un millón de habitantes, tiene apenas el 4% de la ciudad servida por redes de desagüe, y está amenazada, como Belem, por la epidemia de cólera.

4. Bosques y deforestación

La destrucción de las selvas tropicales, de los más importantes centros de biodiversidad, dada la alta diversificación de las especies de flora y fauna, es uno de los aspectos del modelo económico de degradación ambiental, exportador de productos primarios para los países ricos.

Se estima que el 7% de la superficie terrestre está cubierta de selvas tropicales(6). De éstas, gran parte, tal vez la mitad, están en la Amazonía.

La Amazonía brasileña representa el 60% del territorio brasileño, y la Amazonía, que comprende también las áreas de otros países, está en un 60% en el Brasil.

Fearnside estima que en el Brasil se deforesta una Bélgica por año, un campo de fútbol por segundo. La tasa de deforestación pasó de 3,6% en 1978 a 9,6% en 1990.(7) Salvo importantes medidas de política pública, la más importante selva tropical del planeta podrá verse comprometida en el próximo milenio, a menos que la crisis económica haya contribuido involuntariamente a la disminución temporaria de la velocidad de deforestación.

La pérdida en biodiversidad con el desmatamiento es inestimable. Diez hectáreas de selva amazónica contienen 700 especies de árboles de uso económico – lo mismo que el territorio entero de los Estados Unidos. ¡Estas mismas diez hectáreas tienen 100.000 especies diversas de fauna y flora! Apenas en el río Negro, un río pobre en nutrientes, afluente del Amazonas, hay 700 especies de peces – 4 veces más peces que los ríos de Europa. Tres especies de peces por día se pierden a causa de la degradación ambiental. Se estima que la cuenca amazónica entera contiene 1.000.000 de especies de animales y plantas, incluyendo 2.500 especies de árboles, 1.800 especies de pájaros y más de 2.000 especies de peces. Se estima que el mundo pierde 17.000 especies por año, en su mayoría en las selvas tropicales.

En 1988 el Brasil exportó 60 millones de metros cúbicos de madera – 14% para el Japón, 40% para Europa. Las madereras dicen que extraen apenas una pequeñísima parte de la selva en forma selectiva, pero destrozan el 40% de la vegetación de la selva para tumbar un árbol, y los tractores arruinan los cursos de agua por donde pasan. De las 700 especies comercializables, se aprovechan menos de una decena, las más conocidas internacionalmente,(8) como la caoba, un árbol centenario. El proceso de degradación ambiental es también generador de miseria, pues los peones de las madereras llegan a ser sometidos a trabajo de esclavos, cuando la caoba es negociada en los puertos a U$ 600 el metro cúbico, pudiendo llegar a U$ 1.300 internacionalmente. El desmatamiento es también generador de miseria, pues destruye a los peces, principal fuente proteica de la Amazonía y expulsa, como la agropecuaria, a las comunidades ribereñas y de cauchuteros, los ocupantes tradicionales.

5. Los indios, la conservación ambiental y la pobreza

¿Cómo llamar la atención de la comunidad internacional, del estado y de la sociedad brasileña, sobre un contingente poblacional de 300.000 sobrevivientes indígenas, frente a este ejército de millones de miserables de las zonas rurales y de las periferias de las ciudades brasileñas?

En primer lugar hay que decir que estos 300.000 indios no se confunden con la masa de millones de miserables brasileños, simplemente porque ellos se distinguen culturalmente, por la lengua y las costumbres, y políticamente, porque se tratan de pueblos diferenciados con derecho a un territorio claramente demarcado, derecho milenario anterior a la ocupación colonial de las Américas.

Por otro lado, la actualidad de la cuestión ambiental nos ofrece la ocasión de llamar la atención a la condición primaria de su derecho a la tierra, anterior a cualquier otro derecho. O sea, la ocupación original y anterior a cualquier posesión, tanto a la de los pobres, como a la de los ricos del territorio brasileño. De esta manera, los indios no son un elemento más en las políticas sociales y de reforma agraria, son detentadores de derechos anteriores a cualquier política pública, son acreedores de una deuda social colonial.

Por ésto, el primer paso de una política de conservación de la selva es la definición de los espacios a los cuales tienen derecho, y de

La pérdida en biodiversidad con el desmatamiento es inestimable.
Diez hectáreas de selva amazónica contienen 100.000 especies diversas de flora y fauna.
Foto: Carlos Ruggi.

la forma en que la sociedad brasileña les garantizará sus derechos y obligaciones especiales de autonomía en sus territorios. No es su condición de pobres que obliga a priorizarlos en la política pública nacional y en la cooperación internacional, sino su condición de pueblos diferenciados, detentadores de derechos.

En el caso de los indios, además, está el problema de afirmar los principios democráticos – si no se respetan los derechos de unos pocos a la diferencia cultural y social, y al territorio del cual eran los dueños originarios, no hay pluralismo o sueño de mayor igualdad, o equilibrio, social posibles.

Son los indios, los más profundos conocedores de la biodiversidad de la selva, exactamente, quienes podrían, con políticas adecuadas, mantener actividades productivas sin devastarla. Son ellos, en verdad, quienes habitan la selva interior – aparte de la población de cauchuteros, quienes de ellos aprendieron y se mezclaron – y viven de sus recursos. Los cauchuteros y ribereños han estado allí desde hace décadas, los indios hace milenios. En muchos municipios de la Amazonía, por ejemplo, constituyen además la mayoría de la población rural, salvo cuando hay irrupción garimpeira. Los garimperios están mientras que hay oro, los colonos hasta que se agotan los suelos, que se tornan infértiles con la destrucción de la cobertura vegetal y de las nutrientes ofrecidas por la selva. A largo plazo, los indios son los habitantes permanentes y la principal garantía de conservación del uso adecuado de las grandes extensiones de selva, si se les garantiza la sobrevivencia física y cultural, y las salidas económicas de sus productos especiales.

Si bien son una minoría en el Brasil, 0,2% de los 150 millones de brasileños – los indios están en el centro de la cuestión ambiental de la Amazonía y del Brasil, y los intereses económicos que los amenazan son semejantes a los que destruyen la selva o reducen a la pobreza a más de la mitad de los brasileños.

Pequeña como es la población indígena brasileña, está dispersa en más de 500 áreas, la mayoría absoluta en la Amazonía y en el

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sur del Mato Grosso. Representan un universo cultural amplio y complejo, con más de 170 lenguas, y diferentes formas de vida, música, arte, organización social y saber en todos los campos, como la flora, fauna, valores humanos, ritmo y tiempo interior, y aventuras cósmicas. Su interacción con los recursos naturales aseguró, a la humanidad, la persistencia de un conocimiento sobre un espectro amplio de variedades de especies biológicas y ecosistemas – parte del acervo cultural indígena, hoy llamado etnociencia, expresión tal vez inadecuada, para un cuerpo de conocimientos trabajado lentamente por la tradición y que se renueva en el ritmo propio de la dinámica comunitaria. Ese conocimiento desaparecerá con ellos, en caso de que sean conducidos a la extinción, en caso de que la humanidad no descubra el privilegio de tenerlos como contemporáneos, mostrando la evidencia de que se puede vivir otra forma de vida, más adecuada al medio, con menor dominio de ciertas tecnologías, pero seguramente con una mejor calidad de vida.

Según la actual Constitución Brasileña de 1988, los indios tienen derecho al 9% del territorio brasileño, 79 millones de hectáreas(9), de las cuales el 98% de la extensión se encuentra en la Amazonía, lo que sería equivalente a poco menos de 30 veces la extensión de Holanda. Este derecho, teórico, pues del total nacional, apenas 13% de las tierras previstas para los indios (en extensión, por lo tanto, 1% del territorio nacional) están aseguradas legalmente (con demarcación, garantías legales como decretos, y registro en archivos, para conocimiento público). Incluso estas áreas legalmente aseguradas son muchas veces invadidas y no son respetadas. Así, la situación de tierras de los indios es incierta e inquietante.

Las reservas ecológicas, forestales y parques naturales, suman cerca del 2% del espacio de la Amazonía. Los indios reivindican cerca del 20% de la Amazonía, y las comunidades de cauchuteros y ribereños otro 20%. Es fácil concluir que una política de conservación en escala adecuada de las selvas tropicales de la Amazonía brasileña pasa por la viabilización del uso sustentable de la selva por estas poblaciones.

Numerosos jóvenes líderes indígenas han sido inducidos por sus vecinos blancos a la venta indiscriminada de la madera y al garimpo, como forma de viabilizar su acceso al mercado, a los bienes que el contacto hizo necesarios, desde la atención médica hasta los bienes superfluos del consumismo dominante. Sólo la valorización de los productos extraídos de la selva, como plantas medicinales, castañas de Pará, jeringuilla, frutas, miel, pesca, permitirán el uso adecuado y sustentable, garantizando la reproducción de los recursos renovables, representando una alternativa concreta y compensatoria de las actividades predatorias aparentemente lucrativas, como la venta indiscriminada de maderas nobles y la extracción mineral, del oro en particular.

El uso milenario adecuado creado por el modo de vida indígena es una alternativa al comportamiento predatorio del frente económico en expansión. Los indios son detentadores de la técnica del adensamiento, el replantar en el interior de la selva, que nuestra sociedad desconoce. Un grupo, por ejemplo, conoce más de 130 variedades de mandioca. Sus huertas tradicionales cuentan con un mínimo de 70 especies plantadas, conviviendo en consorcio en la selva, volviendo comparativamente ridícula y antieconómica la monocultura introducida por el frente agrícola. Es un hecho que los amerindios son pioneros en la agricultura, con una inestimable contribución contemporánea: patatas, maíz, frutas, mandioca, cacahuate, castañas de Pará, óleos vegetales, etc.,...

Los indios conocen íntimamente los usos de millares de especies de la selva, que podrían tornarse en uso de valor económico, como anticoagulantes, remedios para adelgazar, hongos con utilidades diversas, pudiendo representar una contribución inestimable para la biotecnología y la industria farmacéutica, siempre que se les asegure la propiedad intelectual.

6. Situación legal y de tierras

En términos de legislación, los indios todavía cuentan con fuertes, pero abstractos, instrumentos de defensa. Hubo una victoria en la Constitución de 1988, que reafirmó el derecho de los indios a la tierra que habitan y estableció un plazo de 5 años para la conclusión de la demarcación de las tierras indígenas, dependiendo de leyes reglamentarias a ser votadas para tornarse efectiva. En 1973 el gobierno también se comprometió a demarcar sus tierras en cinco años: hace catorce años se agotó el plazo, y hoy se repitió la promesa vacía de compromiso, sin una dotación presupuestaria compatible con el propósito.

Hay, por parte del gobierno, una amenaza de extinguir la tutela, figura del código civil brasileño para asegurar derechos de protección especial a los indios. Esa medida, en sí, puede ser un paso para la autonomía, pero apenas si habrían otras formas de defender los derechos a la tierra, más allá de una previsión de protección especial a otros derechos particulares. Por el contrario, está el peligro de la »emancipación«, concepto que siempre retorna, y que bajo pretexto de equiparar a los indios a los otros ciudadanos, extingue una protección jurídica especial, indispensable frente al endocolonialismo salvaje brasileño, a la diferencia cultural y lingüística y al desconocimiento sobre el comercio y otras reglas creadas por nuestra sociedad.(10)

Una multitud de decretos presidenciales contrarían la Constitución, abriendo la posibilidad de rever las demarcaciones de tierra (decreto 22 de 4/2/91). Lo mismo ocurre con una propuesta de Estatuto del Indio presentada por el gobierno en julio de 1991. El autoritarismo torna difícil discutir las cuestiones importantes para el avance de los derechos de los indios, además los defensores de la causa indígena temen que, en votaciones y cambios, se pierdan derechos ya conquistados. Un ejemplo es la cuestión de la propiedad inalienable de la tierra – los indios apenas tienen la posesión y el usufructo, y las tierras pertenecen a la Unión. Mientras tanto, por este instrumento, la ley asegura derechos a las futuras generaciones.

Es desanimante, para la situación indígena, la omisión clásica de la FUNAI y del gobierno brasileño, a pesar del nombramiento de un indigenista, funcionario de FUNAI, para la Presidencia de la institución, en julio de 1991, tomando medidas positivas como la relativa a la interdicción del área yanomami, un paso preliminar a la demarcación. Hay todavía entorpecimientos autoritarios, como la posibilidad (inconstitucional) de revisión de las demarcaciones, con poderes especiales para el Ministro de Justicia. Prácticamente no hubo demarcaciones de tierras indígenas desde 1987.

La *ingerencia militar* en las cuestiones indígenas y ambientales está dificultando la obediencia a la Constitución. El Consejo de Seguridad Nacional, cuya secretaría hoy se llama Secretaría de Asesoramiento de la Defensa Nacional, SADEN, se ha pronunciado contra la mayoría de las demarcaciones en áreas de frontera, bajo la excusa de que son áreas ricas en minerales y de extensión excesiva. La cuestión indígena es vista como de seguridad de fronteras. Confunden la necesidad de autonomía en sus territorios de los pueblos de la selva, organizados en pequeños grupos de cazadores-recolectores, con los pueblos programáticamente luchando por la creación de estados nacionales, como es el caso de los vascos o irlandeses en Europa. Mientras tanto, el movimiento indí-

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gena brasileño en ningún momento se presentó como separatista, al contrario, está reivindicando formas adecuadas para su articulación democrática con la sociedad y las instituciones brasileñas, garantizado su derecho a la diferencia cultural.

La atribución de la protección de los intereses indígenas a los militares provocó a la sociedad brasileña en muchos momentos. Durante décadas controlaron la política indigenista y la FUNAI. Por ejemplo, cuando comenzó el PMACI, (Programa de Protección del Medio Ambiente y Comunidades Indígenas, en Acre y sur del Amazonas) en 1988 – un préstamo del BID de 146,7 millones de dólares para la pavimentación de la carretera Porto Velho-Rio Branco, incluyendo un componente de defensa ambiental e indígena, de 9 millones de dólares. Los militares tomaron en sus manos el programa ambiental e indígena, para lo cual no tienen preparación específica, ni atribución legal, suprimiendo protestas y perjudicando reivindicaciones y diagnósticos. Terminaron por no demarcar las áreas indígenas, de cauchuteros y las reservas forestales previstas, pero permitieron el proseguimiento del asfaltado de la carretera. Los *kaxarari*, por ejemplo, tenían en sus tierras una mina de grava de la constructora Mendes Júnior, para abastecer de piedras al asfaltado, que contaminó sus aguas, estragó a las plantaciones de jeringuilla y castañas, provocando centenas de enfermos, y cinco muertes, según sus líderes.

La influencia militar se hace patente en el proyecto Calha Norte, de 1985 – de ocupación de 6.500 km. de fronteras – seguido por el PROFFAO, Programa para el Desarrollo de la Faja de Frontera de la Amazonía Occidental, de 1988, con la estrategia de liberación de tierras indígenas del norte y este amazónico para la exploración económica.(11) La visión es la de integración de los indios, sin comprensión de su especificidad cultural y de sus derechos garantizados por la Constitución.

En verdad la interferencia militar es confesadamente un desprecio etnocéntrico de la sabiduría indígena: el ex ministro de guerra, general Leónidas Pires, llegó a decir públicamente en el día del indio, que no cuentan con una cultura respetable y deberían ser integrados. El temor de los militares de que los indios sean manipulados por intereses internacionales que querrían una ocupación de la Amazonía, es un camuflaje retórico de la estrecha relación que mantienen, desde el régimen militar, con grandes compañías constructoras y mineras. Prueba de ésto es el reciente proyecto Transfrontera

Algunos grupos indígenas localizados en la Amazonía brasileña:

1. Macuxi
2. Yanomami
3. Tukano
4. Tikuna
5. Gavião
6. Kaiapó-Gorotire
7. Mekranoti
8. Kaiapó-Kubenkokre
9. Uru Eu Wau Wau
10. Gavião Arara Karo
11. Arará
12. Zoró
13. Suruí
14. Cinta-Larga
15. Nambiquara
16. Kaiowá
17. Pataxó

que circula en el Congreso Nacional, inspirado por esa antigua espiral de intereses que prevé el asfaltado, sin ningún criterio socioambiental, o de protección de los indios, de 8.000 km. en las fronteras amazónicas.

7. Violación de derechos y genocidio

Hay masacres, infelizmente, muy recientes:

1) 14 indios *tikuna*, incluyendo niños, del estado de Amazonas, en Benjamin Constant, próximo al Perú, fueron muertos por una empresa maderera local, dentro de tierra indígena, en 1988 y todavía no ha habido ningún procesamiento de los criminales;

2) en 1988, además de dos *tikuna*, 22 indios más fueron asesinados: un indio *suruí*, en el área Zoró, en Mato Grosso, habiendo casi una masacre de todo el grupo (hasta hoy no hubo procesamientos); 1 indio

pataxó, 9 *yanomami*, 2 *masco* aislados, 1 hombre *macuxi* y otros.(12) En 1990, otros 2 *macuxi* fueron asesinados. La lista fúnebre incluye muchos otros líderes cada año;

3) *omeré*: – en 1985, testigos vieron cadáveres en el sur de Rondonia. El área de los indios fue liberada para las empresas, las cuales obtuvieron títulos de propiedad, todavía hay indios en fuga, vistos algunas veces sin ropas en las inmediaciones de las aldeas de la región;

4) *yanomami* – murieron cerca de 1.500 indios, de una población global de 10.000, desde 1989, de enfermedades y asesinatos, en el más trágico caso de violación de los derechos indígenas. Hubo una invasión de 50.000 garimpeiros en 1989; falta de respeto al territorio indígena hasta por el mismo gobierno brasileño, el cual ese año mutiló las tierras yanomami y las fraccionó en 19 áreas discontinuas, cuya extensión total no llegaba a 1/3 del área indígena de derecho. Las tierras yanomami, si son respetadas, representan el 10% de las tierras indígenas nacionales y hay más grupos para defender en el mismo estado y vecindades. De un modo u otro, la situación incambiada de la protección persiste hasta hoy, más allá de que varias veces los garimpeiros hayan sido parcialmente retirados, y la FUNAI en julio de 1991 haya propuesto nuevamente la demarcación del área original – todavía no aprobada en otras instancias superiores del gobierno;

5) *uru eu wau wau* – otro grupo de reciente contacto, todavía con grupos aislados en su área, que es también reconocida como área de protección ambiental, por abrigar importantes nacientes de ríos formadores de la Cuenca Amazónica. Los derechos de estos indios fueron reconocidos en 1985, y fueron revocados en 1990, por presión de las empresas mineras de casiterita y oro, madereras y agropecuarias. El gobierno actual restableció los derechos indígenas, pero prosiguen las invasiones;

6) *kaiowá* – hubo 60 suicidios de 1987 a 1991, en una población de 6.000 personas, en un área pequeña de 3.500 hectáreas, en la región de Dourados, en el Mato Grosso. Probablemente las causas de la tragedia son la falta de perspectivas de vida decente material y espiritual, la acción nociva de los misioneros y sectas que desprecian las creencias de los indios, tal vez son asesinatos simulados como suicidios, una demostración más de como las áreas restrictas, condenan a los pueblos a la extinción, inviabilizando su modo de vida;

7) *wassu* – asesinato de un líder en Alagoas, setiembre de 1991(13);

8) reciente asesinato de un *zoró* por madereros en Rondonia, sin ninguna providencia, entre tantos otros.

El genocidio ha sido físico y cultural. De 230 grupos identificados en 1900, apenas 143 sobrevivían en 1957(14). La población indígena era estimada, a principios de siglo, en un millón, al inicio de la colonización de cinco a ocho millones. Hubo invasiones, murieron, los sobrevivientes se fundieron en la masa de brasileños. En cada década, por ejemplo en los años cuarenta, cincuenta o sesenta, en cada nuevo ciclo económico, como el resurgimiento de la explotación del caucho, la apertura de carreteras, la explotación minera, la mitad de la población indígena murió en algunos estados como Rondonia o Mato Grosso – de enfermedades como el sarampión, o a causa de masacres.

La situación sanitaria siempre fue grave; hace poco, se suprimió el servicio médico especial atribuido a FUNAI, que ya funcionaba mal, y ahora cuentan con el sistema de atención para la población brasileña en general, aunque son mucho más sensibles a nuestras enfermedades. Es común encontrar tasas de mortalidad infantil altas, como de 300/1.000, aunque algunos grupos de más antiguo contacto, después de las epidemias, han aumentado la cifra, con sucesivas despoblación a causa del sarampión y tuberculosis. Se trata de un genocidio por omisión y connivencia, y también de un etnocidio, pues, al liquidar a los más viejos, los principales animadores de las tradiciones milenarias, se condena también al universo cultural.

Las pérdidas culturales son grandes y simultáneas. La ingerencia frecuentemente indebida de los funcionarios gubernamentales, se suma al adoctrinamiento de la conversión religiosa de sectas millonarias norteamericanas, con la influencia de los garimpeiros y colonos invasores. El cuadro general es de hostilidad a la tradición cultural y de introducción de transformaciones económicas y nuevas relaciones comerciales y de asalariamiento, predatorias y sin garantías de renovabilidad de los recursos naturales.

8. Grandes proyectos. Invasiones de las tierras indígenas y degradación ambiental

La integridad del territorio indígena es sistemáticamente violada, y su sobrevivencia puesta en peligro por diversos proyectos en las fronteras económicas. Las carreteras cortan las áreas, las represas hidroeléctricas son planeadas y construidas, las empresas madereras, los garimpos, las empresas mineras y los proyectos de colonización avanzan sobre las tierras de los indios, así como los excedentes de corrientes migratorias, sin empleo o tierra. Un modelo social más justo de la sociedad mayoritaria, permitiría una defensa efectiva de los derechos indígenas y bloquearía la tendencia actual de lanzar a los miserables los unos contra los otros.

Los indios son acusados de tener extensiones exageradas de tierra, de impedir el desarrollo nacional. Mientras tanto, sus tierras, debidamente protegidas, son fundamentales para la preservación de los bosques del mundo. Muchos pretenden concederles lotes como a los colonos, negándoles la condición de pueblos. Si bien los indios son la mayoría de la población interior en varios puntos de la Amazonía, y las tierras pretendidas son menores que las de las grandes agropecuarias, se habla de mucha tierra para pocos indios, procurando imponerles un límite cuantitativo a las tierras que ocupan, aunque este criterio no existe para los grandes propietarios de tierras improductivas. Se pretende negarles la posesión y usufructo de lugares tradicionales de caza y pesca, aldeas y huertas antiguas, cementerios, enfín, derechos que se admite a otros por reciente ocupación. Los *kaiapó-kubenkokre* del área Mekranoti, por ejemplo, tienen derecho de ocupación histórica a 5 millones de hectáreas, casi 1,5 la superficie de Holanda, cubiertas de selva tropical, todavía no demarcadas. En las tierras de los *uru eu wau wau*, parcialmente coincidentes con un área de preservación ambiental, nacen todos los ríos de Rondonia; las tierras de los *yanomami* representan el 10% de las tierras indígenas del país.

9. El Programa Polonoroeste, o el anti-modelo de prevención del impacto ambiental de un gran proyecto

La pavimentación de la carretera BR 364, Cuiabá-Porto Velho fue hecha con un programa de U$ 1,5 billones, con 1/3 de financiamiento del Banco Mundial, comprendiendo también proyectos de colonización, programas de salud y regularización de tie-

rras. El llamado Programa Polonoroeste realizado en los años 1982-87, y todavía con una continuación prevista para los próximos años, el Planafloro, también mal planeado, impulsó millones de migrantes a los estados de Rondonia y Mato Grosso.

El programa se tornó tristemente famoso por las consecuencias nocivas sobre los indios y el ambiente, para cuya defensa, mientras tanto, tenía recursos previstos, de 3% sobre el total. Hubo una enorme devastación ambiental provocada por la pavimentación, debido a la valorización de las márgenes de la carretera y de los caminos de acceso y de la política de concesión de derechos a las tierras a quien las desmate. Desorganizó la vida de 60 pueblos indígenas de la región (casi 10 mil indios), con masacres, invasiones, pérdidas territoriales y enfermedades, aunque se había hecho un gran número de demarcaciones (30 de 60 áreas), conquista del movimiento indígena y ambientalista al exigir al gobierno brasileño, como cláusula del contrato de préstamos del Banco Mundial, el respeto a los derechos de los indios. El préstamo del Banco llegó a ser suspendido durante algunos meses, en 1985, con la exigencia de que algunas áreas indígenas importantes fuesen defendidas.

Este programa, en cuya evaluación el equipo del IAMA trabajó varios años, es un buen ejemplo de los efectos de los grandes proyectos. Con la pavimentación de la carretera, 200 mil migrantes entraron cada año en Rondonia, que experimentó un crecimiento de población del 20% anual. El estado sólo asentó permanentemente a 25 mil colonos – el resto continuó en su ruta de pobreza, o invadió tierras indígenas y parques, víctimas de la malaria y otras enfermedades, que aumentan mucho con el desmatamiento. A pesar de ser un programa de asentamiento rural, hizo saltar a la población de Rondonia de 700 mil a 1,5 millones, dos tercios en las ciudades, decenas de millares en los garimpos y en las madereras.

La penetración de empresas madereras, mineras y garimpos fue asustante. El desmatamiento alcanzó el 24% de la sûperficie del Estado de Rondonia, en 1988 – cuando era apenas de 1,7% en 1978(15). En apenas una década, milenios de preservación por los indios, fueron destruidos.

Se estima que, sólo de las áreas indígenas, el valor de la madera extraída, ilegalmente, contra la Constitución y sin ningún beneficio para los indios o para las arcas públicas brasileñas, fue de U$ 450 millones – por lo tanto el valor del préstamo, y destruyendo un recurso no renovable, principalmente la caoba, de la cual los indios quedaron con apenas U$ 30 el metro cúbico, el cual es estimado, como mínimo, en U$ 500 en el mercado internacional.(16) La explotación desordenada de madera desembocó en el camino a la droga, denunciado en 1991.

Las mayores víctimas, en el Polonoroeste, fueron numerosos grupos de indios aislados, en la selva, todavía sin contacto pacífico con los blancos (como algunos grupos de los *uru eu wau wau*, los del igarapé (pequeño canal donde sólo pueden pasar igaras=pequeños barcos – nota del E.) Omeré, los *tupi-cawahiba* del río Madeirinha, los de la Reserva Biológica del Guaporé, los *»baixinhos«* próximos a los *cinta-larga* y muchos otros), siempre en fuga del frente pionero, hasta incluso en 1991; muchos asesinados, muertos por enfermedades, sin entender la violencia que se daba en sus tierras, tomadas por los conquistadores.

10. Las madereras

La legislación brasileña es clara al prohibir la explotación de la madera de las áreas indígenas, consideradas de preservación ambiental. Por ley, la explotación sólo puede ser hecha si hay reforestación, o sea, reposición de los recursos renovables, y si los beneficios fueran usados en proyectos de interés indígena. La Procuraduría General de la República reafirmó recientemente la interpretación de que los indios tienen pleno usufructo de sus bienes, lo que no implica la destrucción de los árboles.

El gobierno, a través de FUNAI, mientras tanto, estimuló una explotación predatoria, en especial a partir de 1986. El entonces Presidente de FUNAI hizo contratos ilegales con las madereras, y, cuando éstos fueron denunciados, estimuló a los indios a transacciones directas con las empresas, en las cuales los funcionarios de la institución se beneficiaban, sin que los indios recibiesen el valor de la madera que vendían, tuviesen asistencia jurídica, o fuesen orientados para un uso provechoso de los recursos monetarios en inversiones técnicas o sociales.

Este Presidente de FUNAI, acusado de varios crímenes y teniendo en su contra 5 procesos, fue nombrado, en 1988, gobernador del Estado de Roraima, dónde fue uno de los responsables de la tragedia de los *yanomami*, al impulsar la entrada de los garimpeiros en su área.(17) Su impunidad muestra que estaba amparado por altas esferas del gobierno brasileño. Perdió la elección al gobierno, pero eligió a su esposa diputada federal por Roraima, pretendiendo ahora orientar la legislación indigenista.

Las áreas indígenas fueron muy presionadas por el desmatamiento, siendo éstas las últimas reservas, en algunas regiones, donde la selva sobrevive. Lo que fue escrito con relación a Rondonia, ocurrió también con otros grupos, como los *kaiapó*, en Pará, que vieron sus reservas ser degradadas. Ya en 1984 la FUNAI intentaba persuadirlos a que admitieran a un garimpo (y después a vender madera) con la promesa de demarcar el área, sin que los indios tuviesen la exacta comprensión de que ése era el deber del gobierno, independiente de la existencia o no de cualquier tipo de explotación forestal.

En 1989, en sólo un área kaiapó, en Gorotire, en Pará, un dato oficial de FUNAI afirmaba que habían sido vendidos 70 mil metros cúbicos de caoba – lo que, al valor de exportación de U$ 500 el metro cúbico, equivale a un valor total de U$ 35 millones. Los réditos financiaron la elección de políticos conservadores, y redundaron en el crecimiento de empresas poco idóneas y estimularon la apropiación territorial desordenada del oeste.

Todavía está por hacerse un estudio en el Brasil, de los circuitos y mercados de la madera, y de cómo impedir la devastación – multar a los madereros y tomar la madera, prohibir la importación, constituyen medidas más fáciles que exigir a los indios una acción unilateral de preservación, y todavía sin presentarles alternativas económicas de acceso al mercado y a la salud. Es más fácil robar a los indios que a los hacendados o empresas privadas, y el desmatamiento allí es violento. Depende de la decisión política, del poder de la Policía, de las inversiones en alternativas económicas, el que la reversión del proceso sea posible.

Las madereras continúan argumentando que las agropecuarias son las principales responsables del desmatamiento, con las quemas. Mientras tanto, los estudios muestran que al buscar la madera noble de explotación, destruyen un 40% del área donde entran sus tractores, semejantes a los vehículos militares que abrieron carreteras en recientes guerras coloniales. Destruyen los igarapés, crean erosión y pantanos, espantan a las aves y animales. A pesar de que son precarios, son por estos caminos precarios de las madereras que entran las marcaciones de pretendientes a la posesión en el área indígena. Raramente los acuerdos pasados con las madereras fueron útiles a las comunidades, generalmente quedando la poca renta en manos de unos pocos, ya que las madereras pagan a los indios bastante menos que a los colonos. Algunos líderes son engañados con cheques sin fondos, vehículos no registrados y promesas incumplidas.

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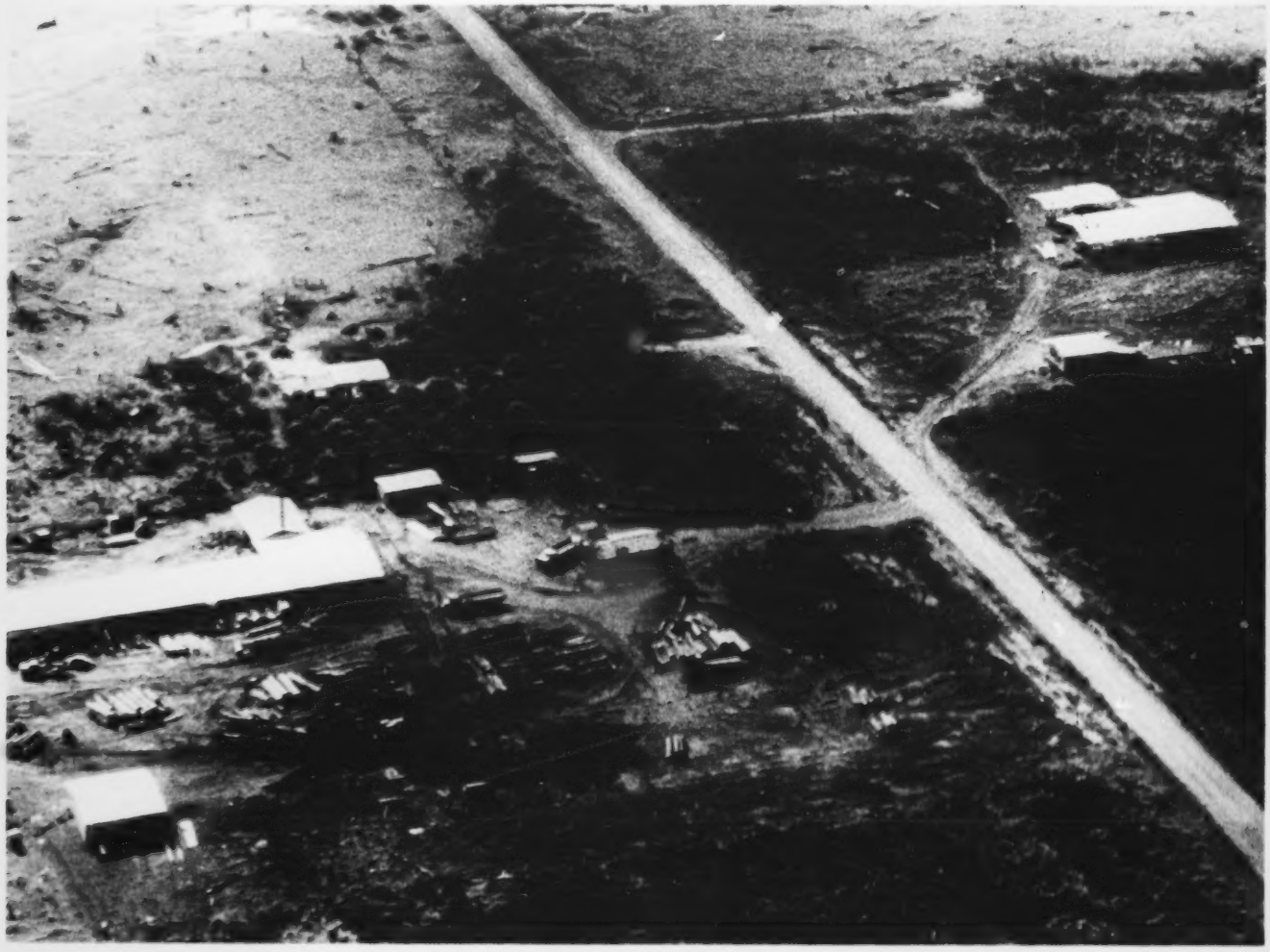
La minería

La minería en tierras indígenas es inconstitucional en el Brasil; sólo puede ser hecha con previa autorización del Congreso Nacional y de la comunidad indígena. Hay un verdadero duelo entre las empresas mineras y los derechos indígenas, aquellas tratando siempre de conseguir la extracción de minerales y autorizaciones de pesquisa. En 1986, había 537 patentes y autorizaciones de pesquisa mineral en áreas indígenas, y otras 1.700 en tramitación; en la Amazonía, el 34% de la extensión de las áreas indígenas está bajo la codicia de las empresas mineras (50% son empresas nacionales, 40% multinacionales y 10% estatales).

Los efectos, para los indios, son nocivos – cráteres abiertos en sus tierras, contaminación de mercurio con efectos letales, mezcla de los sedimentos de fondo, desvío del curso de los ríos, desaparición de los peces, rotura de diques de decantación, entre otros. Surgen ciudades hongos, abandonadas y transformadas en ciudades fantasmas, cuando se acaba el mineral. Hay invasiones de áreas por parte de extraños, degradación de la vida indígena, una relación con el consumo y el dinero mal conducida y aprovechada, sin la comprensión verdadera de las relaciones en juego. Como ejemplos, tenemos la explotación de la casiterita de los *waimiri/atroari* o de los *tenharim*, por la empresa Paranapanema, una de las mayores compañías del país. En la tierra de los waimiri/atroari, nueve diques de contención de desechos de casiterita de la Paranapanema reventaron, lanzando sustancias contaminantes al único río limpio que todavía disponían los indios, luego el Uatum fue bloqueado por la hidroeléctrica de Balbina y el Pitinga está siendo destruido hace años por la explotación de casiterita de la misma Paranapanema.

Los *garimpos* (así son llamados, en contraposición a la minería de empresa), las multitudes de trabajadores individuales que se dedican a explotar oro, cásiterita o diamantes, tienen consecuencias ambientales todavía más perjudiciales, no sometidas a ningún control. El efecto de la polución por mercurio, poco estudiado entre los indios, puede ser irreversible y debido a su forma orgánica, manifestarse muchos años después. Hay cerca de 30 áreas con garimpos de no-indios en su mayoría, con garimpos mixtos y garimpos indígenas, manipulados por las empresas informales de garimpage, dominados por las grandes empresas internacionales de comercialización del oro. Holanda es uno de las suministradores de mercurio al Brasil, junto con Inglaterra, aunque sea extraído en España, Argelia y Turquía.

A esto se suma la extinción de los peces y otros recursos naturales, fuentes de alimen-



Rondonia hoy tiene más de 2.000 aserraderos y en el norte del Mato Grosso hay unos 6.000.
Foto: archivo IAMA, Brasil.

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tación y renta. Las invasiones desordenadas de las tierras indígenas por garimpeiros, trayendo enfermedades y contaminación; la corrupción de los funcionarios de FUNAI, con el abandono de la defensa de los derechos indígenas; las ganancias fáciles, haciendo que los indios desistan de la producción agrícola, de la caza, de los modos tradicionales; los problemas con las mujeres indígenas, pues los garimpeiros vienen sin familia; la desorganización social interna, con la aparición de desigualdades económicas desestabilizadoras, que no existían en la vida tribal; la mezcla de los indios en la vida de las ciudades de frontera, con aumento de las enfermedades venéreas y marginalidad; los conflictos armados y muertes – todo eso hace parte del cuadro introducido por el garimpo.

Recientemente dos mil garimpeiros entraron en las tierras de los *nambiquara*, al norte del Mato Grosso. El gobernador acordó con ellos un plazo de 60 días para su retirada. Introdujeron nuevas máquinas y aumentaron en número. El gobierno, al conciliar y diferir, dificultó todavía más la retirada, a pesar de la inconstitucionalidad del garimpo en área indígena, sin previa autorización del Congreso Nacional en concordancia expresa de los indios. Es la repetición en escala de lo que deliberadamente se dispuso para los yanomami y que Megaron viene denunciando también con respecto al área del Bau.

Las expectativas y necesidades de dinero se tornan muy altas, pero, con frecuencia, sólo benefician a algunos líderes, a pesar de que la posesión y el usufructo son previstos como un derecho colectivo. Aunque no consigan ni siquiera solucionar los problemas de salud, ni brindar atención médica, hubo casos de indios fletando aviones para buscar productos de consumo e incluso bebidas alcohólicas. En suma, los indios no reciben por la minería (como tampoco por la madera) el correspondiente valor de mercado, y no utilizan la renta monetaria de forma conveniente, no teniendo orientación para eso. Son ejemplo los *tukano* del Amazonas, los *cinta-larga* del Parque de Aripuanã, los *kaiapó kikretum*. La experiencia del mercado y del dinero, demasiado brusca, es nociva y no llega a ser un aprendizaje de un posible desarrollo autosustentable. Terminado el mineral, quedan en la miseria, no habiendo invertido nada, y sin los recursos de la selva y la alimentación que disponían antes.

El clima de lejano oeste e insalubridad creado por los garimpos entre los indios es una réplica de lo que ocurre entre los garimpeiros en general. Ejemplo de matanza fue la masacre de los garimpeiros de Serra Pelada en 1987 – con ríos de sangre corriendo próximo al puente sobre el Tocantins, en las inmediaciones de Marabá, cuando los garimpeiros fueron asesinados por la Policía Militar.

El área indígena más golpeada fue la de los *yanomami*, la mayoría sin contacto o conocimiento de la sociedad brasileña hasta hace poco. El fraccionamiento del área facilitó invasiones y epidemias de enfermedades, hizo que los indios perdieran tierras de plantaciones, caza y pesca provocando hambre y mendicidad en un grado tal que algunas fotografías parecen campos de concentración. Las empresas, los garimpos, organizados con apoyo del gobierno del Estado, abrieron en el área 120 pistas de aterrizaje en ciertas épocas, desmatando y originando focos de malaria, contaminando los ríos y perjudicando la pesca. Además del mercurio, el garimpo ocasiona la mezcla de los sedimentos del fondo de los ríos y de las márgenes, causando polución física. Los asesinatos de indios fueron numerosos, dentro de sus propias *malocas*. Se tornó célebre el caso de un adolescente que subió a un árbol para buscar una flecha, y recibió un tiro de un invasor, como si fuera un mono – aunque el criminal sabía muy bien de que se trataba de un ser humano. (Felizmente el niño fue socorrido por un avión y consiguió salvarse).

11. Proyecto Carajás

El proyecto Grande Carajás, en la Amazonía Oriental, comprende un área de 900 mil km², o sea el 10% del territorio brasileño (casi 25 veces Holanda). Inicialmente planeado, en 1980, como una inversión de U$ 62 billones(18), está estructurado en torno a la minería y el procesamiento de una gama de metales ferrosos y no ferrosos. La mina de hierro de Carajás, cerca de Marabá, administrada por la Compañía Vale do Rio Doce, es uno de los ejes del proyecto, y originó la construcción de una línea de ferrocarril de 890 km. hasta San Luis, una inversión de U$ 1,5 billones.

Hay en Carajás una serie de otros macroproyectos para la producción de aluminio (en total, 71 proyectos aprobados). Están planeadas siderúrgicas a lo largo de la vía, movidas por carbón vegetal nativo, en una política impensada de destrucción de la selva. Además en la región de Grande Carajás está la mina de oro de Serra Pelada, palco de violencia, dónde murieran más de 2 mil personas entre 1981 y 1988.

Destinada a las industrias del área de Grande Carajás, fue construida la represa hidroeléctrica de Tucuruí, la mayor del mundo en área de selva tropical, para producir energía barata para la producción de metales y hierro, en lo que constituye un verdadero subsidio de los importadores de los países desarrollados.

Conviene recordar, en esta región, la importancia, hasta hace poco, de la autoridad del Consejo de Seguridad Nacional, al cual estaba sometida, a través del GETAT (Grupo Ejecutivo de Tierras de Araguaia y Tocantins), la regularización territorial de la región. El proyecto Grande Carajás vino a exasperar los conflictos de tierra, en un estado ya de los más violentos del país en los años 80, con asesinatos de trabajadores y líderes rurales, en especial en la región conocida como Bico do Papagaio (Pico del Papagayo).

Los préstamos externos hechos al Grande Carajás hasta 1988 sumaban U$ 1,8 billones, excluyendo de esa cifra la usina de Tucuruí. La vía de ferrocarril fue parcialmente financiada por el Banco Mundial, en un proyecto que incluía, como en el caso del Polonoroeste, un componente de defensa indígena y ambiental.

Los recursos previstos no fueron suficientes para resguardar a los indios del impacto de las obras faraónicas y de las transformaciones económicas. Hay en el área de influencia del ferrocarril una población de 13 mil indios, distribuidos en 16 grupos distintos(19). La vía cortó varias áreas indígenas, como la de los *gavião* (los cuáles después de mucha movilización, consiguieran recibir de la CVRD una indemnización); estimuló el asedio de participantes y empresas y la explotación de la madera. Como conquista del movimiento indígena-ambientalista, varias áreas fueron demarcadas, y un programa de salud fue implantado; el balance, sin embargo, según muchos antropólogos y otros observadores, no fue favorable a los indios.

12. Las hidroeléctricas

Según la pesquisa de desarrollo de IAMA, las obras en curso del sector energético estatal, que es orientado por grandes empresas constructoras, comprenden 23 usinas hidroeléctricas, afectando a 42 pueblos indígenas. El nuevo Plan energético hasta el año 2010 elevaría ese total a 78 usinas, afectando a 124 comunidades. Cerca del 80% de estas obras están en la Amazonía, y en 24 de ellas se constató la posible presencia de indios aislados.

Los efectos sobre las comunidades son graves: porcentajes grandes del territorio indígena pueden ser inundados – en el caso de Ji-paraná, 40% de las áreas de los *gavião* y

arara de Rondonia sería afectada, por ejemplo. La reproducción de la ictiofauna está comprometida: los peces, principal fuente de la alimentación, desaparecen, especialmente bajo el reflujo de las represas, como en el Tocantins con Tucuruí. Los insectos, plagas y enfermedades pueden multiplicarse.

Los *parakanã*, indios de contacto reciente, de la década del 70, son un ejemplo triste de lo que puede ocurrir. Fueron removidos dos veces de su área, por la gigantesca usina de Tucuruí y protestaron cuando fueron transferidos de sus tierras, la cuales aunque al final no inundadas, fueron usadas para el reasentamiento de colonos, cerca de 600, con los cuales los indios entraron en conflicto. Con el contacto desordenada, ya en 1982 más de la mitad de la población parakanã murió de enfermedades, y había todavía cerca de 100 indios aislados tratando de aproximarse a los parientes remanentes. Mientras tanto, en 1984, la usina fue inaugurada sin que el área parakanã fuese demarcada.

Las hidroeléctricas son planeadas y construidas sin que se tomen medidas anteriores de defensa de las tierras e información a los indios. Los movimientos sociales y la consciencia ambiental creciente resultaron en un programa ambiental como el de la Eletrobrás, empresa del gobierno, que es incluso insuficiente.

Se repiten muchos de los errores cometidos con la población no-indígena, que no es oída, tiene las condiciones de vida gravemente perjudicadas, sólo parcialmente consigue indemnizaciones por las tierras y bienes perdidos y pasa al conjunto de los desempleados sin tierras.

Recientemente se pasó a las empresas hidroeléctricas privadas, agravándose el descontrol. Hay negociaciones en que llegan a proponer un vehículo a cambio de una inundación de millares de hectáreas.

13. Caminos

Indispensables para el crecimiento económico, y anhelados por la población en general, sólo deberían ser construidos con un atento y ampliamente discutido escalonamiento de las prioridades sociales, y nunca desordenadamente, como es la regla. Los intereses de los habitantes de la región, no sólo de los migrantes, tiene que estar al frente de cualquier planeamiento.

No hay carretera que no haya causado, al menos en el Brasil, destrucción ambiental inmediata. Para los indios, son las carreteras el canal para lo peor de la sociedad brasileña – enfermedades, invasiones, explotación comercial de recursos no renovables, desorganización social y cultural, formas de vida cambiadas para ventajas individuales y no comunitarias, alcoholismo, mendicidad.

Una lista elaborada por el IAMA indica los grupos indígenas afectados por las carreteras. En cualquiera de estos casos el genocidio por enfermedades y asesinatos, conflictos armados, lucha por la tierra podría ser descrito. Con la carretera Cuiabá-Porto Velho, p. ej., los *nambiquara* vieron su territorio, antes de la demarcación, cortado por la carretera, en los años 70-80, y violentamente disminuido; fueron transferidos de la selva al *cerrado*, incluso en aviones, y gran parte murió, incapaz de sobrevivir en un habitat diferente; etc. Los *suruí* perdieron la mitad de su territorio a manos de los colonos ilegalmente instalados, y vieron morir a la mitad de la población de sarampión, en los años 70. La Transamazónica cruzó el territorio de 20 grupos indígenas conocidos, el 90% aislados en la mata, como los *krenakarore*, dispersándolos mortalmente.

Una defensa efectiva de los derechos y tierras indígenas debería ser garantizada anteriormente a las obras – y eso era lo que se preveía en los Programas como el Polonoroeste y PMACI. Los intereses comprometidos en la construcción y en la apropiación territorial y de recursos permitida por las carreteras son siempre tan grandes, que se adelantan a la demarcación y asistencia de los indios, que exigen fuerza política y firme poder de decisión.

14. Conflictos armados

Las victorias indígenas al conseguir respeto de sus derechos fueron conquistas – también de movimientos rebeldes y legítima defensa. Indios *kaiapó, xavante, apinagé* y otros cortaron las carreteras, tomaron haciendas, tomaron rehenes, exigiendo la demarcación de tierras y la expulsión de los invasores. Lo mismo ocurrió en muchas regiones, como Rondonia y Mato Grosso, con los *suruí, cinta larga* y *gavião*.

Con formas guerreras y políticas distintas a las nuestras, los indios están muy lejos de ser observadores pasivos del genocidio. Esta justa indignación se ha transformado, en especial en los años 80, en formas organizadas, aunque todavía iniciales, integrándose y articulándose con la sociedad civil brasileña.

15. La organización indígena

La organización indígena creció a partir de la década de los 80. Un hecho importante fue la elección de un diputado federal indígena en 1978; y la creación de organizaciones como la Unión de las Naciones Indígenas en 1980, y muchas otras, como la FOIRN (Federación de las Organizaciones Indígenas del Río Negro), COIAB (Coordinación de las Organizaciones Indígenas de la Amazonía Brasileña), y en 1991 el Comité Intertribal y la Comisión de Movilización Indígena, etc.

16. Desarrollo sustentable, autonomía y preservación de los recursos naturales

Estos elementos constituyen la plataforma central y posible, pero debe estar unida a una acción en muchos otros campos, para contener la devastación y unirse a políticas de defensa ambiental.

Hoy, es innegable que los indios necesitan un ingreso monetario y quieren los mismos beneficios que cualquiera, tanto tecnológicos como de crecimiento económico. El comercio para los indios comienza con el contacto – e introducción del »trabajo«, palabra que no tenían, sino »obra«. Esa introducción ha sido, en el Brasil, de la forma más destructiva posible, perniciosa a sus intereses. Encontrar maneras de producir para el mercado, apoyando la organización social, cultural y los valores indígenas es el desafío que se impone. Ubicar los productos de la selva viables en el mercado, artesanado, obras de arte – nuevas formas rentables deben ser inventadas.

17. Contribución del Norte para impedir la destrucción de las selvas y el derecho de las minorías

Hay sin duda una contribución en forma de conciencia social y ambiental del hemisferio norte para una mejor calidad de vida en el hemisferio sur. Frente a las causas complejas del desastre ambiental y de la miseria que le corresponde, esta contribución debe ser orientada por una mayor reflexión, para ganar en eficacia. Sin pretender responder apresuradamente a un tema nuevo y difícil, algunos marcos deberían ser considerados para orientar una propuesta de co-responsabilidad:

a) los puntos abordados a seguir no deben ser confundidos con algunos discursos gubernamentales, como el brasileño, que enfatiza la soberanía para encubrir un desarrollismo ciego e inmediatista, de alto costo social y ambiental y en provecho de una minoría exportadora de materias primas y productos semiindustrializados a precios degradados. Es ver-

Carretera BR-429 en el Valle de Guaporé.
Foto: archivo IAMA, Brasil.

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dad, en cambio, que una reorganización global de la política ambiental no puede ser impuesta de afuera hacia adentro. Una política pública adecuada, en dirección a la justicia social y al desarrollo sustentable, debe provenir de un movimiento interno de opinión en los países tropicales, transformándose en fuerza política eficaz;

b) así, la acción del norte deber ser entendida, menos como una intervención por la manifestación de fuerza, y más como una contribución, cuyo eje es el apoyo y la cooperación para la formación de mecanismos de prevención internos en los países de economía dependiente;

c) el primer paso es el ejemplo, la aceleración de medidas preventivas y correctivas, y la recuperación de los ríos y las áreas degradadas, la disminución de la polución atmosférica en el propio hemisferio norte, que seguramente concentra los mayores contaminantes del planeta;

d) el control de las importaciones de productos de extracción predatoria es indispensable, con cambios del modo de vida del primer mundo, economizando los recursos naturales no renovables. La madera, o la casiterita destinada a las latas de cerveza y coca-cola son buenos ejemplos, así como el oro arrancado de los ríos de la Amazonía a un alto costo social, ocasionando contaminación mercurial y degradación por la erosión;

e) la ampliación del mercado y la valorización de los productos renovables de la floresta tropical, a través de la introducción de tarifas preferenciales, dispensaciones fiscales y cooperación tecnológica para la producción de las poblaciones tradicionales que contribuyen a la conservación de las selvas tropicales, como la castaña, el caucho, las plantas medicinales, frutas, entre tantos otros;

f) vigilancia activa sobre los préstamos e inversiones bilaterales y multilaterales para las obras en los países tropicales (actividades mineras, hidroeléctricas, carreteras, agropecuarias, colonización), cuando no sean precedidas de medidas preventivas y correctivas en cuanto a su impacto socioambiental, en especial sobre las poblaciones tradicionales;

g) renegociación de la deuda externa en provecho del desarrollo sustentable y de las poblaciones tradicionales y desfavorecidas;

h) reconocimiento de la autorepresentación de los pueblos indígenas y de comunidades como la de los cauchuteros y ribereños, como interlocutores de programas que combinen protección ambiental, renovabilidad de los recursos y desarrollo social. Mientras tanto, no basta la simple presencia de representantes indígenas, sino la de representantes de las comunidades directamente afectadas e interesadas, en caso de que se pretenda la legitimidad de la representación;

i) estímulo y apoyo a las ONG, en particular a los centros de investigación que puedan contribuir para calificar estas cuestiones, creando instrumentos programáticos, y contribuyendo a la ampliación de la conciencia de la necesidad de cambios en el interior de la sociedad brasileña, como de otras sociedades de economía dependiente, aumentando la eficacia del movimiento;

j) programas de reforestación de las regiones ya degradadas, orientados por la llamada forestería social, diversificando las especies, usando especies nativas, en favor de comunidades, y no de grandes empresas de explotación de madera o de uso de carbón vegetal, introduciendo inclusive especies para la producción extractiva como cultivos perennes;

k) privilegiar los programas de apoyo a la protección de las tierras, salud y educación recíproca y bilingüe de los pueblos indígenas, a través del apoyo a la formación de sus propios profesores, diferenciadamente de otros contingentes sociales, aunque desfavorecidos como la mayoría de las poblaciones tropicales, de los cuales se distinguen como pueblos;

l) estimular los estudios sobre el manejo milenario que las poblaciones tradicionales hacen de las selvas, en el sentido de aprovechar su conocimiento en programas de uso adecuado de la selva, garantizándoles la propiedad intelectual de los conocimientos provenientes de su saber;

m) profundizar las negociaciones internacionales para una priorización del derecho a la diferencia cultural, del derecho de los pueblos y de las minorías étnicas y por el desarrollo. Un paso interesante viene de Colombia, donde se prevé la presencia de parlamentarios indígenas. Un tema semejante se viene introduciendo en Canadá y los Estados Unidos, aunque no sea de fácil igualdad de condiciones;

n) priorización de los mecanismos de control contra la acción de las grandes empresas transnacionales cuando actuen en el mundo tropical, a través de una más estricta legislación internacional;

Estas observaciones son algunas de entre las muchas que podrían ser hechas en un tema como éste, que apenas comienza a ser estudiado, y que encuentra todavía fuerte resistencia. Es importante contribuir para consolidar la visión de que la degradación ambiental, la miseria y la opresión de los pueblos indígenas, van junto con la concentración de la renta y del modelo importador impuesto al mundo tropical por la mentalidad endocolonial. Por otro lado, como demuestra la intensificación de los intercambios de opinión entre grupos independientes del norte y del sur, el esfuerzo por una nueva sociedad dará resultados cuando se estreche la cooperación entre personas e instituciones que, de los dos lados del ecuador, luchan y priorizan valores comunes, como calidad de vida, garantía de los derechos de las minorías y conservación de los recursos naturales, pasos que se articulan para un mejor futuro común del planeta. ❑

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Brasil: Buscadores de oro invaden el Area Indígena Sararé

AWARU-Comisión de Apoyo Indigenista al Pueblo Nambiquara

Antecedentes históricos

En la historia del Mato Grosso existe un capítulo en que se atribuye la decadencia de Vila Bela da Santíssima Trindade y la transferencia de la capital del Mato Grosso para Cuiabá en el siglo 18, a las epidemias de malaria y la agresividad de los indios de la región.

Hoy, al configurarse una situación por lo menos alarmante, en que las tierras de los indios del Valle del Río Sararé están invadidas por más de 5.000 buscadores de oro (garimpeiros), se torna bastante oportuno rescatar la historia del contacto de aquel grupo indígena con la sociedad nacional.

El grupo indígena que habita el Valle de Sararé es un subgrupo *nambiquara*, que hasta inicios de siglo sumaba una población de 6.000 individuos que ocupaban unos 5.000 km², una vasta región que iba desde el alto Guaporé hasta lo que es hoy el Estado de Rondonia.

En el siglo 18, con la implantación de Vila Bela, esos indios procuraron resistir la invasión de sus territorios tradicionales, pero fueron afectados por las epidemias de enfermedades para ellos desconocidas, traídas por los colonizadores.

Ruinas y restos arqueológicos de »quilombos« (comunidades de esclavos negros fugitivos) del área dan testimonio de la situación conflictiva en que se encontraban los indios.

A inicios de este siglo, Rondón relata, de sus innumerables viajes a la región, el saqueo de los huertos de los indígenas y que los recolectores de caucho (seringueiros) atacaban sus aldeas para instalarse allí.

El golpe mortal para esos indios vino con la apertura de la carretera BR-364 en 1961 y con la implantación del Programa POLOAMAZONIA por la SUDAM (Superintendencia del Desarrollo de la Amazonía), que permitió la penetración en las tierras del Guaporé de innumerables compañías madereras y grandes agropecuarias. En esa época se registró la situación de mayor violencia y exterminio en masa de los nambiquara.

En la década del 70, ese grupo indígena vio sus reservas de alimentos afectadas por nubes de Tordon 155 (Deforestador químico utilizado por las grandes agropecuarias para la deforestación del Valle del Guaporé).

Para que dejasen sus tierras a las empresas, estos indios fueron forzados a dejar su territorio para trasladarse al »cerrado« (monte bajo), transportándolos en aviones de las agropecuarias.

Luego de algunos meses, en que las tierras del »cerrado« no producían trigo, su base alimenticia, los indios retornaron a pie a su valle de origen, enfrentando toda suerte de privaciones, hambre, enfermedades y persecuciones.

Este cuadro llamó la atención de una misión de la Cruz Roja Internacional en 1970, que calificó la situación de »Biafra Brasileña«.

En 1977 la cuestión de las tierras indígenas del Sararé y Guaporé fue objeto de una Comisión Investigadora Parlamentaria.

Con el advenimiento del POLONOROESTE en la década del 80, fue demarcada para esos indios un área de 67.420 hectáreas, inferior a todas las áreas propuestas anteriormente.

Al mismo tiempo, se multiplicaron las presiones ejercidas por la penetración de otras actividades económicas en la región, favorecidas por la implantación de aquel proyecto. Actividades estas, muchas veces ilegales, como es el caso vergonzoso del robo de madera del interior de las áreas indígenas y ahora el garimpo ilegal invadiendo el Area Indígena Sararé.

Indios y garimpo

Desde finales de 1990, los garimpeiros frecuentan las márgenes de la garganta del río Agua Suja, límite natural del Area Indígena Sararé. En marzo de 1991, la visita del jefe del puesto de la FUNAI (Fundación Nacional del Indio) juntamente con la Comunidad Indígena Katitauriu, constató la contaminación de la referida garganta y el inicio de la invasión del Area Indígena. Afirmaba el informe del funcionario de la FUNAI: »Fueron observadas también (por los indios) la existencia de enormes cráteres, en la margen de la garganta, próxima al canal, que comprometerán en breve el lecho natural del río, pudiendo estos agujeros transformarse en grandes lagos, portadores de focos de diseminación de enfermedades«.

La invasión del Area Indígena Sararé por el garimpo tuvo origen en una maniobra ilegal de la compañía minera Santa Elina, que autorizó la entrada de buscadores de oro en un área concedida para la búsqueda de tantalio. La ilegalidad consiste en que el que concede la licencia es el Departamento Nacional de Pesquisas Mineras (DNPM/MINFRA) y el que tiene la concesión no la puede pasar a terceros.

La instalación de garimpeiros en el Valle del Río Sararé fue encubierta por un »protocolo de intenciones« del 18 de mayo de 1990, firmado entre la compañía Santa Elina y la Cooperativa Mixta de Garimpeiros y Productores de Oro del Valle de Sararé. El documento es firmado incluso por el Gobierno del Estado (gestión anterior). En este documento la referida empresa permitía que los integrantes de la cooperativa extrajesen oro del área a pesar de que estaba reservada para la investigación de minerales. Como se desprende del contenido de la cláusula 6, todo oro extraído, obligatoriamente es vendido a la compañía minera, aparte de ésto, está estipulado por la cláusula 11 el pago de 5% de toda la producción bruta de cada garimpeiro como forma de indemnización por los perjuicios sufridos por la compañía minera de acuerdo con los gastos de la obtención de la autorización para el desarrollo de los trabajos de búsqueda de oro. A través de la cláusula 9 se obliga a la compañía minera a brindar equipos, alimentación y

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remedios a los garimpeiros en actividad. El plazo de duración del contrato de extracción de metales es de dos años, habiéndose iniciado el 18 de mayo de 1990.

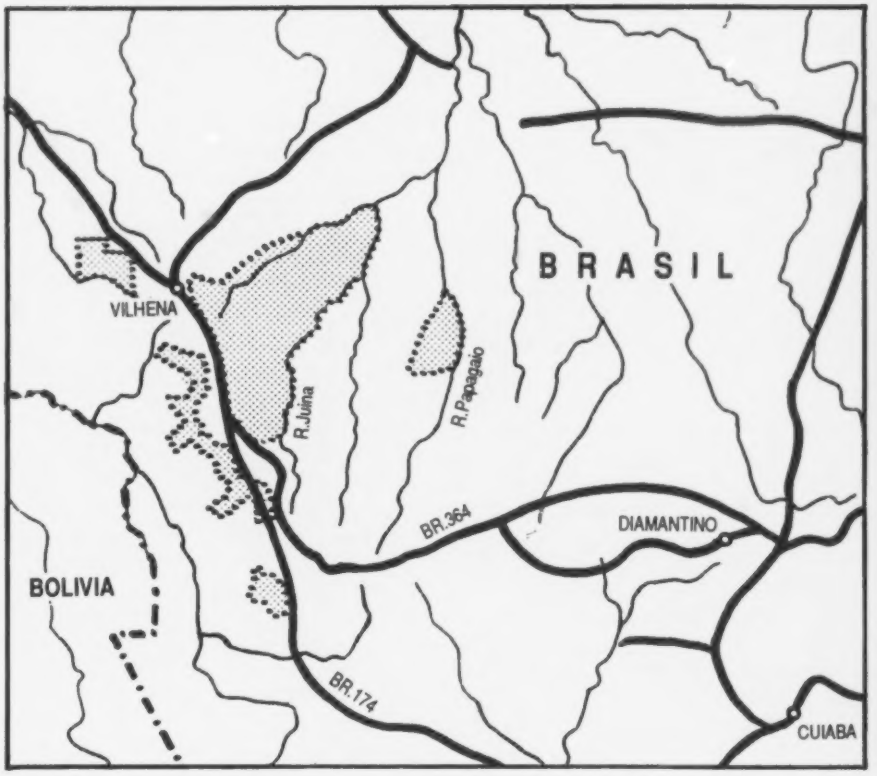
La intención del protocolo firmado con la Cooperativa, es la simple y pura contratación de la entidad cooperativista para que, a través de sus miembros, exploten la tierra reservada a la compañía minera.

Por otro lado la FUNAI no evitó que los garimpeiros instalados en los límites del Area Indígena Sararé, avanzasen para su interior.

En mayo de 1991, tras una visita al área, un informe de la FUNAI dice que: »En la ocasión notamos todavía un clima tenso durante nuestra presencia en el local. Aclaramos que debido al elevado número de garimpeiros y el pequeño número de indios no tenemos condiciones de fiscalizar la reserva en las proximidades del garimpo, ni tampoco impedir el avance de las actividades garimpeiras para el interior de la Reserva Indígena«.

En junio de 1991, hubo una visita interinstitucional al garimpo. Se hicieron presentes IBAMA, FEMA, la Policía Federal, FUNAI y la CAIEMT. En esta ocasión la Coordinadora de Asuntos Indígenas del Mato Grosso constató la presencia de un garimpo situado a 8 kilómetros más arriba del primero, de aproximadamente 250 buscadores de oro, y creando una situación semejante de degradación ambiental. Todavía más arriba habían tres grupos pequeños con aproximadamente cuarenta personas en cada grupo. Fue solicitada la presencia de representantes de IBAMA para incautar ocho motores que trabajaban en el área indígena, cosa que no ocurrió.

En esta situación calamitosa y al ver que no llegaba ayuda, se reunieron los indios nambiquara, los sub-grupos *sabané, mamaindé, negarote, hahaintesu, anunsu, alantesu* y *katitaurlu*, funcionarios de la FUNAI y miembros de la AWARU (Comisión de Apoyo Indigenista al Pueblo Nambiquara). Así, con más de 100 personas, se encontró la única forma de verificar el avance de la invasión garimpeira. El informe presentado fue alarmante: »Llegando allí lo que vimos nos impactó mucho, a indios y no indios. Se trataba de una ciudad de barracas de lona plástica, con comercios, residencias, etc. A los costados la vista se pierde en agujeros, arena, hilos de agua barrosa y máquinas. No existe ningún río, sólo cráteres y deforestación. La arena se extiende mucho más allá de la región devastada alcanzando lo que resta de selva y destruyendo varias especies de pequeño porte. Los árboles tienen más de un metro de su tronco hundido en la arena. No pudimos precisar cuanto del Area Indígena Sararé fue invadida, porque en la región el límite natural sería la garganta de Agua Suja que ya no existe más... En la »ciudad« las condiciones son las peores posibles. Calculamos que allí viven más de 1.000 personas. No existe ninguna especie de saneamiento. Varias viviendas, transformadas en bares, venden bebidas alcohólicas ininterrumpidamente. Muchas mujeres se dedican a la prostitución. En estas condiciones, el lugar es un foco de enfermedades, propagador ideal del cólera. Sublevados por la situación, y a duras penas, conseguimos evitar la violencia de ambos lados. En este sentido, fue importante el gran número de indios que, por sí solos, intimidó a los garimpeiros«. (Septiembre de 1991).



TERRITORIO NAMBIQUARA

El 10 de junio de 1991, un artículo del periódico »A Folha de São Paulo« divulgó la cuestión a nivel nacional. Con la ayuda de AWARU, del Centro de Trabajo Indigenista (CTI) y del Núcleo de Derechos Indígenas (NDI), la Comunidad Nambiquara de Sararé – los *katitaurlu* – accionó frente al Ministerio Público y consiguió del Juez Federal de 9a. Vara-DF una medida favorable a sus intereses, disponiendo que la FUNAI, IBAMA, Unión Federal y Policía Federal hagan retirar a los intrusos y recuperen el medio ambiente de la Reserva. Esta decisión fue tomada en enero de 1992 y hasta el momento no se ha tomado ninguna medida más allá de las reuniones.

En octubre de 1991, una Misión Técnica del Banco Mundial, al visitar el Area Indígena Sararé y tomar conocimiento de la situación, incluyó en el »Aide Memoire« firmado entre la Misión y el Gobierno del Estado de Mato Grosso y la FUNAI, un gran número de medidas para implementar la retirada de los intrusos del área y su recuperación ambiental, como requisito previo de negociación del préstamo en discusión por el Estado frente al Banco Mundial para el financiamiento del PRODEAGRO.

Actualmente se estima la presencia de 5.000 garimpeiros, inclusive los que salieron del Area Yanomami. Otro afluente del Rio Sararé, localizado a 6 km dentro del Area Indígena está sufriendo los impactos del garimpo. Sólo ahí existen por el momento más de 50 dragas. Los órganos públicos federales y estaduales se echan las responsabilidades los unos a los otros, discutiendo quien debe-

rá cargar con los costos de la expulsión de los intrusos del área y la recuperación ambiental necesaria. El clima está cada vez más tenso y todo nos lleva a creer que estamos frente una situación similar a la de los yanomami.

A pesar de la determinación judicial de retirar inmediatamente a los intrusos del área, el 11 de marzo de 1992 el periódico »O Estado de Mato Grosso« anunciaba pomposamente la noticia, también vinculada a los noticieros locales de radio y televisión, que el gobernador del Estado había hecho un acuerdo con los garimpeiros, dándoles un plazo de 60 días para la salida de los invasores. Entendemos que tal acuerdo es ilegal porque obstruye una determinación anterior de la justicia. Por otro lado sabemos lo que significa este plazo, un aplazamiento al agravamiento del problema. Las informaciones que llegan del área dicen que tras dicho »acuerdo« el proceso de invasión se aceleró con la entrada masiva de nuevos garimpeiros y dragas.

A fines de enero pasado, diez indios procuraron destruir los campamentos garimpeiros instalados en el interior del área en un intento desesperado de expulsar a los invasores de sus tierras. Días después, el 23 de enero, una camioneta llena de garimpeiros armados intentó cortar la corriente del puesto de la FUNAI pero huyeron al notar que los indios se dirigían resueltamente en su dirección.

Tanto los indios, como los funcionarios de la FUNAI están preocupados por su seguridad. La comunidad indígena se encuentra en estado de alerta. Los hombres disminuyeron las salidas para cazar y pescar, temerosos por la seguridad de las mujeres y niños. La malaria recrudeció entre los katitaurlu, reduciendo todavía más su capacidad normal de sobrevivencia.

Son incuestionables los derechos indígenas en cuanto al usufructo exclusivo de sus tierras y riquezas en ellas existentes. No podemos aceptar el argumento que el garimpo es un problema social, pues esto es una distorsión de los hechos. La verdad es que el garimpo es una consecuencia del problema social brasileño y es inaceptable que los indios que hoy detentan una porción mínima de su territorio tradicional, tengan que ser sometidos, una vez más, a los problemas de los invasores de sus tierras, a costa de sus propias vidas.

La Constitución Federal es clara en su artículo 231, parágrafo 20, »las tierras tradicionalmente ocupadas por los indios se destinan a su posesión permanente, cabiéndoles el usufructo de las riquezas del suelo, de los ríos y los lagos en ellas existentes«. ❑

Nuevo Documento IWGIA (DOCUMENTO 13)

CARRETERAS, INDIOS Y AMBIENTE EN LA AMAZONIA

Del Brasil Central al Océano Pacífico

POR MAURO LEONEL

U$ 12

»La cultura es nuestra forma de supervivencia«

Entrevistas con cinco representantes indígenas de las Américas sobre los 500 años y las Naciones Unidas

Por: Heidi Moksnes

El año 1992 llama a los pueblos indígenas de las Américas a manifestar sus 500 años de resistencia a la colonización europea. En este año también se celebra otro »aniversario«: la décima reunión anual del Grupo de Trabajo sobre Poblaciones Indígenas en su trabajo de elaboración de la Declaración de los Derechos de los Pueblos Indígenas. ¿Cómo se relaciona el trabajo de influencia sobre la Declaración de las Naciones Unidas, con la larga, histórica, lucha del continente americano? IWGIA habló con representantes de cinco pueblos indígenas americanos sobre resistencia, identidad y futuro.

El Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas (GTPI) ha sido establecido por la Subcomisión sobre la Prevención de la Discriminación y Protección de las Minorías, con el propósito de sugerir una Declaración a presentar a la Asamblea General de la ONU. Por eso, el Grupo de Trabajo invita a representantes indígenas de todo el mundo a participar en su reunión anual. Durante las dos semanas del encuentro se discute la última redacción de la declaración y los representantes indígenas exponen asuntos locales como una »Revisión de Acontecimientos« para que el Grupo de Trabajo los considere en su redacción del texto. La reunión junta a representantes indígenas con una larga experiencia sobre asuntos internacionales, y aquellos que van a hablar, por primera vez, en nombre de su comunidad. Muchos participantes del continente americano, consideran el encuentro de este año como particularmente importante. Afirman que el trabajo de las Naciones Unidas es sólo la última forma de una resistencia que hasta ahora ha cumplido 500 años.

Las experiencias históricas y las realidades que hoy enfrentan los pueblos indígenas de las Américas, muestran grandes diferencias. Para algunos, la colonización europea comenzó con la primera llegada de los españoles al continente, mientras que otros sólo se vieron afectados luego de cientos de años. Los efectos de la colonización han diferido también de acuerdo a la organización de las sociedades indígenas específicas, así como también de acuerdo a las diferentes estrategias de colonización implementadas por las naciones europeas. Sin embargo, hoy los pueblos indígenas de América del Norte y América Latina encuentran similitudes importantes en sus experiencias y luchas. Del norte al sur del continente decidieron enviar representantes al encuentro de las Naciones Unidas del GTPI para colaborar en el proceso de la declaración, así como para llamar la atención internacional hacia los graves problemas locales. Cinco de estos participantes hablan aquí sobre las formas de resistencia de sus pueblos en el pasado y sobre cuál es la forma que ésta toma en el presente.

Una cuestión central para estos representantes la constituye el mantenimiento de la identidad. Las cinco personas provienen de los *mohawk* de Canadá, los *blackfoot* de los Estados Unidos, los *triqui* de Méjico, los *quiché* de Guatemala y los *amarakaeri* de Perú.

Para los mohawk, el trabajo en la ONU tiene una historia larga. Ya en 1923 un jefe mohawk se dirigió a la Liga de Naciones para darles a conocer que el gobierno canadiense había violado el tratado, y que los mohawk todavía eran un pueblo independiente. **Kenneth Deer** de la comunidad de Kahnawake, cerca de Montreal, es uno de los mohawk que continúa esa tradición hoy en día.

Siempre nos hemos considerado una nación. Pero la conciencia ha crecido desde 1960, cuando el gobierno intentó destruirnos. Canadá en 1969 presentó un documento llamado el Papel Blanco, el cual decía que encararían el departamento de Asuntos Indios y Derechos Nativos dentro de diez años. Cuan-

do nos dimos cuenta de que esta legislación afectaría directamente nuestras vidas, nos politizamos mucho más en un sentido general. En vez de estar aislados, quedándonos entre nosotros, tuvimos que involucrarnos en el medio político. La consciencia de nuestro propio pueblo aumentó. Eso provocó un resurgimiento, y la idea misma de que somos una nación.

Deer ha participado en las reuniones del GTPI desde 1987 y dice que los mohawk vienen sin ilusiones. Están conscientes que la estructura de la ONU no es la suya, y que se requiere una gran lucha. Deer dice:

Lo que queremos hacer aquí es ganar el respeto de la gente, no su desprecio. Sabemos que es un trabajo a largo plazo, no de un día para el otro. Pero estamos aquí para promover nuestro derecho de autodeterminación, y hacerlo de una manera muy digna. Y sentimos que a la larga, ganaremos ese respeto.

Paciente con el lento proceso de la ONU, Deer está, sin embargo, espantado por la posición que el gobierno canadiense presentó durante la reunión de este año, donde declaró que se oponía al uso de dos conceptos centrales del texto de la declaración, aquellos de »pueblos« y »autodeterminación«.

De acuerdo con esta declaración, el gobierno canadiense dice que la »autodeterminación« es inaceptable al igual que el término »pueblos«. Esta es una declaración absolutamente escandalosa de un gobierno. Es increíble que un país tan rico, civilizado y democrático como éste, pueda hacer semejante declaración. Tenemos una moral muy fuerte y derechos legales poderosos para poder ser autodeterminantes.

Deer habla sobre la historia de la Nación Mohawk, y de cómo ha podido mantenerse como tal, a pesar de los intentos actuales para desintegrar su cohesión y fuerza.

La razón por la cual hemos sobrevivido los últimos 500 años, es porque somos encarnizadamente nacionalistas. Somos de esta manera porque tenemos una gran tradición de nacionalidad. Antes del contacto europeo, teníamos una constitución, la Gran Ley de Paz. Resalta las responsabilidades del gobierno, cómo el gobierno está estructurado, cómo son elegidos los jefes, los deberes del hombre y los deberes de la mujer. Habla sobre nuestro ciclo espiritual, habla sobre nuestras responsabilidades sociales. Abarca todo, todo está holísticamente comprendido en esta ley. Esta constitución nos ha permitido ser muy poderosos, muy organizados. Había una alianza, lo que llamamos Haudenoshaunee, en inglés la Confederación de las Seis Naciones. En francés se la llamaba la Iroquesa. Esta confederación es una unidad muy fuerte políticamente que nos ayudó a detener la expansión de los europeos durante doscientos años. Esta alianza y esta ley es una parte muy importante de nuestra nación. Sentimos que tenemos esta constitución, tenemos una base territorial definible, una población, un lenguaje y una cultura. Tenemos la capacidad de hacer leyes, la capacidad de instrumentarlas y de hacer acuerdos con otras naciones – los llamamos tratados. Entonces, esos son todos los componentes de una nación, y nunca hemos renunciado a esta capacidad. Por lo tanto, todavía nos consideramos hoy una nación. Nos sentimos muy seguros con respecto a estas cosas, y por lo tanto, los gobiernos canadiense y estadounidense no han logrado asimilarnos, no han logrado destruirnos. No nos pudieron destruir militarmente, y no pudieron destruir nuestra cultura a través del sistema educacional o mediante su gobierno y estructura política. Sin embargo, estuvieron muy cerca, y se ha hecho mucho, mucho daño.

Kenneth Deer. Foto: Eva Dandanell

H.M.: ¿Cuáles son los elementos esenciales de la identidad mohawk? ¿Hablan de ello entre ustedes?

Oh, sí, hablamos de ello, y lo enseñamos a nuestros niños. Hay que trasmitir el conocimiento de una generación a la otra, y así es como hacemos las cosas. Nuestras canciones, nuestra lengua y nuestra cultura tienen que ser trasmitidas. Estuvo severamente reducida durante un tiempo, debido a los programas gubernamentales, la religión cristiana, pero no pudieron destruirnos, y ahora nuestras tradiciones están retornando en forma muy fuerte... Pienso que importantes elementos de nuestra identidad son nuestro fuerte sentido de la historia, un sentido del equilibrio entre nosotros, lo espiritual y las responsabilidades sociales. Creo que estos son importantes elementos que nos hacen fuertes y nos permiten sobrevivir. Hemos sido capaces de mantener nuestra lengua y nuestra cultura y nuestros fuerte sentido de identidad. Atribuyo eso a nuestro fuerte sentido nacionalista, nuestro fuerte sentido de quiénes somos, y de que no vamos a renunciar a ello.

Uno de los principales puntos, dice Deer, es controlar la educación. El gobierno canadiense controlaba antes la educación mohawk, pero hace veinte años lograron recuperarla, y por lo tanto, introducir su lengua y su cultura en el sistema escolar. También habla sobre cómo los gobiernos han tratado de detener el desarrollo de la constitución mohawk durante el siglo pasado. Los decretos indios de progreso, los consejos tribales, los sistemas electos y los gobiernos títeres, dice, han todos contribuido a enlentecer la aplicación continua y la adaptación de la constitución, necesarias para su significación en la sociedad de hoy. Todavía pueden, sin embargo, usar mucho de la constitución, y nuevas leyes son escritas para ser añadidas en el futuro. Originalmente trasmitida por la tradición oral, a fines del siglo XVIII fue escrita parcialmente, y es ahora enseñada a través de ambas formas complementarias. Deer dice:

Consideramos a todas nuestras tradiciones como compatibles con la vida actual. Queremos mantener todo. Pero la cultura no se estanca, no es algo incambiable. La cultura es nuestra forma de supervivencia. Y el ajuste y el cambio son parte de la supervivencia. Así que pienso que nuestra cultura hoy puede ser ligeramente diferente de nuestra cultura del pasado, pero es cultura a pesar de todo. Y no creo que la deberíamos subestimar con relación a cualquier otra cultura.

La Federación Blackfoot también tiene una larga experiencia en tratar con los gobiernos de América del Norte. Separada por la frontera estadounidense-canadiense, la Federación es todavía capaz de mantener una rela-

ción estrecha entre sus cuatro naciones. **Floyd Heavyrunner** representa a la Nación Pikuni del Sur, de la Federación Blackfoot, cuyo territorio está en el estado de Montana, en los EEUU. Su nación tiene un tratado con el gobierno de los EEUU que ha sido ratificado por el congreso, y él ha venido a la ONU para asegurar que su relación de trabajo de nación a nación sea respetada.

Heavyrunner es el jefe de los Brave Dogs, la sociedad guerrera religiosa más antigua de la nación blackfoot. La sociedad es responsable de la protección de la tribu y la protección de su cultura y de otros eventos sociales de la nación. Heavyrunner explica:

Mi trabajo es defender a nuestra nación, nuestra lengua. Durante los años de cambios, fuimos capaces de mantener nuestros antiguos fundamentos. Estos antiguos fundamentos son una de las razones por la cual todavía estamos aquí – nuestra religión, nuestro modo de vida, y nuestra preocupación por los pueblos del mañana. Tenemos que asegurar la vida que habrá aquí para los pueblos del mañana.

Heavyrunner relata la actual lucha de las naciones blackfoot con su historia de manejo de los efectos de la colonización.

La cuestión de la supervivencia de nuestro pueblo se remonta muchos años, cuando el hombre blanco vino por primera vez a nuestro país, a principios del siglo XVIII. Primero fuimos visitados por los jesuitas. Eran tiempos muy interesantes, ignorábamos totalmente la existencia de esta gente, quiénes eran, y los efectos que tendrían sobre nuestro pueblo en el futuro.

Estos efectos fueron devastadores para los blackfoot. Heavyrunner cuenta sobre epidemias de viruela que casi los hizo desaparecer, sobre masacres de mujeres y niños por la caballería, y sobre hambre cuando los búfalos fueron exterminados por los cazadores blancos. Gradualmente los jefes blackfoot tuvieron que negociar tierras por comida proveniente de las provisiones del gobierno de los EEUU. Entrando en el siglo XIX, se enfrentaron con las misiones establecidas, las cuales fueron designadas por el gobierno para educarlos, y las diferentes leyes estadounidenses para regular la estructura política de sus naciones.

Tuvimos que sobrevivir a todo ésto. De alguna manera tuvimos que maniobrar para evitar ser completamente destruidos por la civilización occidental... Pero durante todo este tiempo, aunque estábamos oprimidos por los cristianos, logramos mantener nuestra lengua. Nuestra religión pasó a la clandestinidad. Recién en 1978, gracias al Decreto de Libertad de Culto, nuestra religión pudo volver a la legalidad. Antes de eso, era ilegal practicar algunas partes de nuestra religión en los Estados Unidos.

Los blackfoot fueron capaces de adaptarse a los tiempos cambiantes y todavía se aferran de sus fundamentos, incorporando soluciones inventadas a los cambios forzados, explica Heavyrunner. Un ejemplo es la lengua de búfalo, tan importante en tantas ceremonias, por ejemplo en la Danza del Sol, que fue sustituida por la lengua de vaca. Esta estrategia les permitió mantener las partes importantes de su cultura: cómo realizar sus ceremonias, cómo creer, y cómo enseñar a las nuevas generaciones. Estas enseñanzas también incluyen documentación de todos los cambios que los blackfoot han sufrido, para que no sean olvidados.

Floyd Heavyrunner. Foto: Eva Dandanell.

Nuestra tribu ha puesto mucha atención sobre la preservación de nuestra lengua, y la preservación de nuestro estilo de vida. Todavía tenemos vastas áreas de campo abierto a donde ir, para proveernos de lo necesario para practicar nuestra religión. Hoy tenemos un último baluarte prístino. El área de sepulturas en el agua, un antiguo cementerio. Los ancestros todavía existen allí. Esto es muy importante para la medicina. Entonces tenemos que aferrarnos a este último baluarte cultural para poder curarnos, remediar nuestras almas, mantener nuestra religión, y continuar en el futuro. Ese es mi trabajo, hoy, asegurar que tengamos protección. Y tenemos que protegernos de muchas cosas. Y tenemos que darnos cuenta y aceptar el hecho que el presente es hoy. Tenemos que enfrentar todos los desafíos. Tenemos que enfrentarlos con fuerza. Y la fuerza que tenemos proviene de los tiempos ancestrales, de la edad de piedra.

Hoy, el primer desafío es encontrar un equilibrio entre la necesidad de desarrollo económico de la nación, y la necesidad de conservar nuestro estilo de vida.

Hoy necesitamos dinero. No hay ninguna duda. Por lo que tenemos que tomar en consideración el desarrollo económico. Al mismo tiempo no podemos destruir nada de nuestra cultura, no podemos destruir nada de nuestro ecosistema. No podemos hacer nada de eso. Tenemos que maniobrar a través de esta situación de tal manera que podamos preservar los intereses de nuestro pueblo. Es una decisión muy difícil.

Heavyrunner explica que han habido controversias en su nación sobre la explotación de petróleo y gas, explotados desde los años 50 por compañías como Chevron y American Petrofina. También hay carbón, que todavía no ha sido explotado. Hoy, el consejo de negocios de la nación más orientado hacia occidente, ha acordado con las autoridades tradicionales que las tradiciones

blackfoot no sólo son una cosa del pasado, sino también algo que debe ser tomado en consideración cuando se tracen los planes económicos futuros para las comunidades. Para Heavyrunner, es importante encontrar recursos económicos que no sean perniciosos para el medio ambiente de los blackfoot, para así no poner en peligro la futura vida de los blackfoot. Una posibilidad que Heavyrunner ve, es aprovecharse de los derechos a las aguas que ellos poseen, por ejemplo, para vender agua limpia embotellada. Otro es desarrollar el comercio internacional de artes y artesanías, en una primera instancia.

El proyecto de comercio es una de las cuestiones que Heavyrunner espera abordar durante su estadía en Europa. Es el único blackfoot presente en la sesión de la ONU, y siente la gran responsabilidad de representar adecuadamente a los pueblos de las otras naciones blackfoot. Cuando era joven, le fue dicho una vez que estaría sentado entre muchas otras naciones, y ve ésto realizarse ahora. Sin embargo, siente que el pulso de todos los pueblos indígenas representados, está todavía fuera de ritmo, y dice que le gustaría verlo regulado. Los pueblos indígenas necesitan comprometerse, dice Heavyrunner, a pesar de las grandes diferencias, con un acuerdo único, para desafiar el control, todavía en manos de los gobiernos estatales.

Una de las más largas experiencias de resistencia de la colonización europea de todo el continente americano, es la de los pueblos *maya* de Guatemala. Con la larga lista de dictaduras brutales, o gobiernos semimilitarizados, durante la última parte de este siglo, estos pueblos han sido también sometidos a una de las más duras historias de opresión. **María del Rosario Toj** representa la sección internacional del Comité de Unidad Campesina, CUC, de Guatemala, y es una *quiché*.

Para Rosario, la resistencia de su pueblo, enfrentado a los muchos medios represivos de los gobiernos, es realizada a través de las actividades diarias de las comunidades y en los hogares. Es allí donde la lengua es hablada, y es allí donde los valores son enseñados a las nuevas generaciones.

Alrededor de nuestra comunidad, por ejemplo, nunca nos pusimos a estudiar o hacer una plática profunda de que »miren, estas son nuestras costumbres, esta es nuestra lengua«, no. No es tanto por conscientización como práctica cotidiana. La lengua, los trajes se mantienen por práctica cotidiana. Pero hay un momento en nuestras vidas, en nuestra propia organización comunitaria u otros tipos de organizaciones, donde se plantea la necesidad de conscientizarnos también sobre los que somos. ¿Por qué pasa? ¿Qué es la vida alternativa que se nos ofrece a los indígenas? ¡Ninguna! Porque todo, todo, todo es comprado. Si tienes que dejar tu lengua, si tienes que dejar tu traje, tu comunidad, tus raíces, no es porque te va otra cultura mejor, otras raíces mejores, otros trajes mejores, otra lengua mejor, otra visión de la vida mejor. No, porque lo que está en el otro lado todo es en base de dinero. Todo es comprado. Entonces no se presenta como alternativa.

Sin embargo, enfatiza Rosario, ésto no significa que ellos quieran continuar viviendo en la pobreza. Parte de la lucha de su organización es, al contrario, mejorar los aspectos materiales de sus vidas. Dice que uno puede todavía ser un quiché aunque viva en una casa mejor, o tenga un video, o incluso vaya a la universidad. Quieren crear las condiciones para que también esas formas de vida sean accesibles para una persona **dentro** del marco de su cultura. El derecho de mantener una identidad cultural no es suficiente, sino que sólo llevará a la marginalización. CUC lucha por definir los amplios derechos de los pueblos indígenas, y es este tipo de trabajo que ellos quieren promover en la ONU.

¿Cómo entendemos la autodeterminación que se pide aquí en la ONU? Si hay que verificar el respeto a los derechos humanos en los pueblos indígenas, esos instrumentos tienen que ser indígenas. Si hay que aplicar leyes para los pueblos indígenas, esos instrumentos que verifiquen el cumplimiento de leyes para los pueblos indígenas tienen que ser indígenas. Si hay que impulsar proyectos de desarrollo, esos instrumentos que lo apliquen tienen que ser indígenas. Porque ¿qué pasa ahora? Hay gobiernos no indígenas que elaboran y dictan leyes para los indígenas. Y por lo tanto, siempre van a estar a favor de ellos, no en favor de los pueblos indígenas. Y si son en favor de los pueblos indígenas, ¿por qué tiene que ser no indígenas? ¡Una forma paternalista! Es una forma de subestimación de nuestras propias capacidades. Y también va a ser una aplicación con otra visión de los problemas del mundo porque ellos no conviven con nosotros. Entonces es eso lo que queremos, instituciones, estructuras que atiendan nuestros problemas, pero en íntima relación con los otros grupos.

En sus muchos viajes a la ONU y Europa, Rosario es frecuentemente confrontada con una imagen estereotipada de qué es ser un »indio«, y también esta vez. Sin embargo, lo peor es, dice, cuando también los indígenas usan este estereotipo.

Yo me molesto mucho cuando nosotros mismos promovemos la imagen de los indígenas como algo muy poético, muy romántico, como algo ideal. Mitos incluso, como leyendas. ¡No! Sino como algo tan natural que tiene sus cosas científicas también, que tiene su sabiduría como cualquier pueblo. Que tiene sus valores como cualquier pueblo. Como cualquier cultura. Somos diferentes a los demás y así queremos mantenernos.

Rosario reacciona al hecho de que determinados elementos de la cultura indígena son quitados de su contexto y elevados a la categoría de representantes de la identidad indígena.

Creo que hay una parte que es folclórica. Todos nuestros pueblos tienen folclore, pero no es la base de su cultura. Me refiero a los bailes, los trajes, las ceremonias. Es un elemento de nuestra vida. Y es un elemento que tiene sus momentos determinados, que tiene sus practicantes determinados. ¡No lo hace todo el pueblo de Guatemala! Es sólo un elemento de la vida. Es más lo cotidiano lo que aquí no se ve, lo cotidiano, lo que no se te presenta, pero es eso lo que nos hacer ser indígenas. No luchamos en contra de que se presente esa parte de nuestra vida, sino que se lo haga el centro de nuestra vida. Y yo creo que mucho de eso viene de las mismas películas de los Estados Unidos. El prototipo del indígena que allá se presenta. Resulta que si un día encuentras un indígena que no se viste en su traje, que tiene zapatos, ya no vas a creer que es indígena. Pero no es eso. Creemos que es uno de los elementos externos, pero no es lo que va a hacer al indígena, indígena.

Las tradiciones de los pueblos indígenas, agrega Rosario, no son estáticas como el estereotipo, sino continuamente cambiantes, mientras que otras tradiciones se mantienen.

Muchas costumbres se mantienen por la validez, pero también por como las va agarrando el pueblo. Hay muchas cosas que han ido cambiando, y seguramente también antes de la llegada de los españoles. Nuestros pueblos han tenido una gran civilización, y yo estoy muy segura que muchas cosas fueron cambiando en ese tiempo también. Pero no dejamos de ser indígenas. No dejamos de ser quichés, en ese caso, o no dejamos de ser mayas, agarremos nuestras raíces – aunque

haya desarrollo, aunque hayan cambios en algunas cosas, en nuestro pensamiento, en nuestros planteamientos, en nuestras tradiciones. Pero no se deja de ser lo que es. Siempre existe esa raíz que te hace ser tu, pues, te hacer ser diferente a los demás.

Este estereotipo de cómo el indígena debería ser, no sólo limita nuestra concepción de lo qué es ser indígena, y quién es indígena. También puede impedir nuestra capacidad de reconocer quiénes son los verdaderos líderes indígenas. Rosario dice que uno no puede juzgar por los rasgos externos, por si la persona ha estudiado, o por si vive en la ciudad o en la comunidad.

No hay prototipos exactos. Es el que pueda y que esté preparado para defender las demandas de su comunidad, y que tenga raíces con ellas. La comunidad es el mejor juez.

También **Elías Kentehuari Bolívar** enfatiza la importancia de que los pueblos indígenas estén representados por líderes auténticos. Kentehuari es *amarakaeri* de la región de Madre de Dios, del Amazonas en Perú, y es presidente de AIDEMAD, una organización para estudiantes indígenas de esta región. Como Rosario, Kentehuari no encuentra que el factor crucial sea si el líder vive en la comunidad o tiene una educación y vive en la ciudad. Más bien es la cuestión de compartir experiencias y metas comunes con las comunidades lo que define la representatividad del líder.

Estos líderes falsos se reconocen por la manera de comportarse. Nosotros como indígenas no podemos sobresalir, hacer mucho número. Ellos no son de la base, elegidos por las comunidades. Ellos en si no sienten como nosotros sentimos como indígenas. Lo que es justo es luchar, por la causa indígena, definiendo lo que sufrimos y lo que queremos. El indígena viene con consciencia limpia a manifestar los problemas, a manifestar el derecho del pueblo indígena. Esto no quiere decir que no hay momentos cuando es justo e importante manifestar su cultura para poner más fuerza a las demandas, para llamar la atención, quizás para que nos respeten las autoridades del gobierno. Pero la intención tiene que ser con su base, y no para su propio prestigio. En Perú hemos tenido bastante problemas en esa cuestión, con líderes que no representan realmente las comunidades. Es cuestión de ver, nada más, pero no es fácil.

Los amarakaeri, junto con otros muchos pueblos de la Amazonía, tienen una historia colonial marcadamente diferente de la mayoría de los pueblos indígenas de las Américas. Kentehuari dice que su pueblo vivía como un pueblo autónomo hasta los años 50. En ese entonces se establecieron las primeras misiones en el área y los pueblos fueron forzados violentamente a formar congregaciones crisfianas. Desde los 80, están enfrentados a la amenaza de una invasión masiva de mestizos que vienen principalmente a causa del oro y la madera. Gran parte de los animales de caza han desaparecido y la dieta es pobre, dice Kentehuari. Estos invasores son hoy el principal problema para este pueblo. En 1983, los pueblos del Madre de Dios formaron una organización, FENAMAD, para, entre otras cosas, enfrentar la amenazante invasión.

Elías Kentehuari Bolívar.
Foto: Eva Dandanell.

Estamos organizados mucho mejor ahora. Antes había a veces peleas con otras comunidades. Pienso que ahora tenemos más fuerza, como estamos unidos varias comunidades, de lo cual ha nacido esa FENAMAD. Pero los indígenas todavía no tenemos suficiente fuerza. A pesar que somos luchadores. No tenemos en que confiar. Los dos nos atacan – el estado y los colonos que realmente nos abusan.

H.M.: ¿Es difícil para los ancianos saber cómo enfrentar esta nueva situación?

Para los viejos no es difícil. El problema es que a veces la juventud no sabemos manifestarlo. Pero en sí, no, como yo soy estudiante, tienen esperanza que yo algún día venga realmente para luchar para la causa indígena, para mi comunidad. Pero también pienso que ellos están equivocados. Porque por más que yo sea estudiante, no puedo solucionar. Nada más les puedo dar herramientas.

Muchas cosas están ahora cambiando en su comunidad, dice Kentehuari. Encuentra necesarios algunos cambios. Hoy es importante, por ejemplo, poder leer y escribir. Sin embargo, dice, no deben perder sus costumbres y su lengua. Por lo tanto han iniciado un proyecto para registrar, entre otras cosas, las canciones y leyendas antiguas para futuras generaciones.

La identidad de su pueblo, afirma Kentehuari, es algo que uno lleva adentro de uno mismo, no algo que uno se pone, como el folclore. Algunos pueblos indígenas, dice, ceden ante la fuerte discriminación a la que se ven confrontados en la sociedad peruana. Pueden perder su orgullo y abandonar su identidad. Sin embargo, el no cree que sea posible en realidad cortar las raíces de uno y olvidar las costumbres y la lengua. Siempre existirán dentro de uno. Siendo hoy un estudiante de economía en la capital, Kentehuari ha aprendido a defenderse. »Tu eres lo que eres«, dice »y caramba, estoy orgulloso de ser un nativo. Pienso que soy igual a otros.«

Kentehuari cree que la lucha futura será larga y difícil. El gobierno peruano no considera los derechos de los pueblos indígenas del país.

Pensé con mucha ilusión que iba a haber una solución acá en las Naciones Unidas. Pensé que era otra cosa, que era una reunión para la defensa de las comunidades nativas. Pero veo que no es así. No estoy tan contento como debería ser. Veo que, analizando, siempre hay obstáculos que realmente nos mantienen marginalizados. Lamentablemente el estado y las leyes siempre nos ponen obstáculos. No nos hacen caso y no nos convalidan los derechos que nosotros tenemos.

Esta perspectiva, hasta cierto punto desilusionada, del proceso de la ONU es también compartida por **Josefino Martínez Hernández**, coordinador del *Comité de Solidaridad Triqui en el Area Metropolitana* del estado de Oaxaca, Méjico. La organización trabaja principalmente para apoyar a los *triqui* que han emigrado de sus comunidades a las áreas urbanas del estado, y quienes enfrentan problemas con sus empleadores y la difícil vida citadina.

Es la primera vez que un triqui está pre-

sente en la ONU, y para Martínez este es un importante evento en la historia de su pueblo. Aquí tienen la posibilidad de influir, a partir de su propia experiencia, la redacción de la declaración. Sin embargo, Martínez reconoce que todavía hay muchos obstáculos para que la declaración sea adoptada. Se necesita mucho trabajo, dice, de parte de los pueblos indígenas para permitir el paso a través de diferentes filtros – la Subcomisión, la Comisión de Derechos Humanos, y finamente, la Asamblea General. Y, sin embargo, si el gobierno mejicano ratificara la declaración, todavía no significaría nada en sí mismo. Méjico es uno de los únicos cuatro países que han ratificado hasta ahora la nueva convención revisada de la OIT sobre derechos indígenas, pero por ahora no ha mejorado la realidad de los pueblos indígenas de Méjico.

Lo que se necesita, afirma Martínez, es consciencia entre los pueblos indígenas de los derechos legales que ya pueden exigir. Este conocimiento es algo que falta entre aquellos que aplican las leyes. Uno de los proyectos de su organización es brindar asistencia legal a los triqui que están detenidos injustamente. Están por lo tanto conscientes de que incluso leyes existentes, formuladas para proteger los derechos de los indígenas en prisión, son raramente implementadas en su beneficio. Esto, dice Martínez, es uno de los problemas principales a encarar:

Mi gente y muchas otras gentes indígenas no están informadas en este asunto. Si tu no sabes el derecho que tienes, no puedes exigir. Por otro lado, la gente que se encarga de la justicia, tampoco sabe absolutamente nada de eso. Nosotros no vamos a estar esperando que se saque la declaración. Con o sin la declaración, vamos a empezar a trabajar ya. Hay dos trabajos en lo que yo veo ahorita. Primero, vamos a capacitar la gente. Allí se arma. Vamos al campo nosotros. Cuando la gente ya están informados, entonces ya estarán más seguros de por donde van a caminar. Y en segundo momento, aunque debe ser en primer momento también, haremos una propuesta a todas las universidades para que en la carrera de derecho se abra una especialidad para formar profesionales más especializados sobre el derecho consuetudinario. ❑

PIERRE ROSSEL (ED.)

turismo: la producción de lo

EXOTICO

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Otras Américas

– Fotografías de Sebastião Salgado

Comunidad Mapuche, Chile. 1978.

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Comunidad Mixe, Oaxaca, Méjico, 1980.

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Valle de los Reyes

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500 Kilómetros de Resistencia

Los Indios Amazónicos marchan hacia Quito

Por: Peter G. Veilleux

Ecuador

Venimos a hablar en nombre de todas las vidas de la selva,
especialmente por aquellas que están desapareciendo.

Son los espíritus del agua: los Yacurunas.
Son los espíritus de la selva: los Yacharumas.
Son los espíritus de la fertilidad.
Son los espíritus del sueño.
Son los espíritus de la cosecha.
Son los dioses de la abundancia.

¡Allapamanda! ¡Causaimanda!
¡Jatarishum!
(¡Por la tierra! ¡Por la vida! ¡Todos nos rebelamos!)
-de un volante distribuido por los marchantes

Eran 10.000 cuando marcharon a través de los barrios golpeados por la pobreza del sur de Quito. Esparciéndose a través de la ciudad cuando el sol iluminaba los volcanes coronados de nieve, indios de todas partes de Ecuador formaban un río humano conducido por 2.000 personas de la Provincia de Pastaza de la Amazonía Ecuatoriana. Llevando penachos de plumas, tocados de tucanes, y esgrimiendo lanzas, marcharon, seguidos por miles de indios de la sierra con sus ponchos característicos. En las calles del amanecer se alineaban espectadores curiosos. Con frecuencia, la gente se adelantaba de entre las multitudes para ofrecer comida, bebidas, dinero o solamente para estrechar la mano a los marchantes amazónicos. Los indios afluían a la adoquinada Plaza Nacional, en la Ciudad Vieja de Quito, creando un lago de plumas y ponchos de colores brillantes.

Los marchantes pidieron al gobierno que reconociera legalmente sus territorios, y reformara la Constitución Nacional para proteger a las diferentes nacionalidades y culturas de Ecuador. Los indios están exigiendo control sobre las más grandes tierras de selva amazónica que aún quedan. Bajo una intensa protección militar, el gobierno del Presidente Rodrigo Borja satisfizo parcialmente sus demandas al reconocer oficialmente más de dos millones y medio de los casi cinco millones de acres de las tierras que ocupan. El gobierno también requirió una sesión especial del Congreso para analizar la demanda de los indios de reforma constitucional.

La marcha amazónica fue coordinada por la Organización de los Pueblos Indígenas de Pastaza (OPIP) como respuesta a un diálogo inútil, de casi tres años, entre el gobierno y las Federaciones nacionales indias, que culminó con la negativa del gobierno de legalizar territorios indios y su doblegamiento a la presión de las industrias transnacionales petroleras, madereras, mineras y turísticas para explotar la selva amazónica.

Los marchantes *quichua, shiwiar, zaparo* y *achuar* seguían las huellas de sus antepasados. Hace noventa años, guiados por el jefe legendario Palati, los líderes de estos grupos marcharon de sus comunidades en Pastaza a la capital, Quito, para reunirse con el gobierno, para exigir los derechos sobre el territorio que habían ocupado durante un milenio. Los líderes regresaron a sus comunidades con el título de todas sus tierras de la Provincia de Pastaza. Este título a siete millones de acres fue literalmente enterrado y legalmente olvidado cuando el jefe murió.

El 23 de abril, el Presidente Borja recibió afectuosamente y agradeció a los indios por su valentía y aceptó negociar la primera de sus demandas, la legalización de sus territorios tradicionales. A pesar de la bienvenida afectuosa y las promesas, los pacíficos marchantes se encontraron con un contingente imponente de policías y militares en equipo antidisturbios y tanques militares. Tito Merino, el coordinador de la marcha comentó, en forma sinuosa, que el no se había dado cuenta que Ecuador estaba en guerra. Las organizaciones indias denunciaron formalmente la presencia militar, »Nosotros... estamos alarmados de que... hemos sido vigilados por helicópteros militares, espiados y amenazados por agentes de inteligencia bajo la excusa de estar protegiéndonos... Queremos enfatizar la naturaleza pacífica en la que hemos conducido la marcha«.

Cien de los líderes indios fueron permitidos de pasar a través del bloqueo militar para presentar sus demandas al Presidente Rodrigo Borja. Los líderes indios, desde Luis Macas (el Presidente de CONAIE, la Confederación Nacional India del Ecuador) hasta una partera tradicional, exhortaron al Presidente, a reconocer legalmente los derechos de los indios.

Las negociaciones con los pueblos indios de Pastaza quedaron estancadas a causa de la negativa del gobierno de reconocer legalmente el territorio indio que está dentro de una faja de tierra de 25 por 120 millas a lo largo de la frontera con el Perú. La mayor fuerza que bloquea la legalización de estas tierras es el IERAC (Instituto Ecuatoriano de Reforma Agraria y Colonización -la rama del gobierno responsable de la reforma agraria y colonización).

IERAC afirma que esta área de frontera es necesaria para la »seguridad nacional« y recientemente ha empezado una campaña para colonizar la región bajo un programa

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conocido como »Fronteras Vivientes«. Habiendo perdido casi la mitad de su territorio durante este siglo al Perú, el gobierno ecuatoriano está alentando el desarrollo a lo largo de sus fronteras para prevenir nuevas incursiones.

Los indígenas no piden áreas ya colonizadas, sino solamente tierras que están usando actualmente. Cerca del 35% de las comunidades indias de Pastaza están localizadas dentro de la región fronteriza marcada para la colonización. Están pidiendo que esta zona de seguridad sea reducida considerablemente.

El 13 de mayo, el gobierno de Borja cedió el derecho sobre la mitad de las tierras ocupadas por los indios. Estos piden que todo su territorio debe ser legalizado y que estas tierras deben de ser contiguas para así no separar comunidades de la misma nacionalidad indígena. En cambio, el gobierno está reconociendo 19 bloques separados de tierra, como propiedades de las comunidades individuales.

500 kilómetros de resistencia.
Foto: Govanna Tazzi.

Los militares acusan a los indios de estar tratando de dividir al país al reclamar su »nacionalidad«. CONAIE está claramente en desacuerdo »De ninguna manera estamos pidiendo la disolución del Estado Ecuatoriano. Sólo queremos que nuestro país reconozca legalmente el hecho que nosotros los ecuatorianos estamos integrados por diferentes naciones y culturas«, declaró la Confederación Nacional India.

Los indios sospechan que los intereses petrolíferos son la raíz de la renuencia del gobierno para reconocer formalmente todo su territorio. PetroEcuador, la poderosa rama del gobierno Ecuatoriano que supervisa las concesiones de petróleo a compañías transnacionales, anunció el día anterior de que los marchantes llegaran a Quito, que la compañía petrolífera ARCO, con base en EEUU, había descubierto una gran reserva de petróleo dentro del territorio que es reivindicado por los marchantes.

OPIP organizó la marcha para prevenir la destrucción ecológica y cultural que presenciaron en las regiones del norte y sur de la Amazonía Ecuatoriana. Debido principalmente a la explotación petrolífera, Ecuador tiene el índice más alto de deforestación de cualquier otro país sudamericano. La Provincia de Pastaza contiene la mayor selva prístina que queda en Ecuador.

Desde que el auge del petróleo en Ecuador empezó a principios de los años 70, más de 12 millones de acres de la selva amazónica fueron cedidos a corporaciones petroleras transnacionales. Millones de galones de petróleo, y desperdicios de productos secundarios tóxicos han sido derramados o arrojados en la selva, contaminando la tierra, el aire y el agua. La explotación del petróleo ha traído deforestación, colonización, militarización, prostitución, alcoholismo, violencia, pobreza, desnutrición, y enfermedades al pueblo indio.

»La tratan (la Amazonía) como una caja llena de recursos«, dice Tito Merino sobre la actitud del gobierno hacia la Amazonía. »La dan vuelta y la sacuden y no dejan nada para aquellos que viven en ella.«

Junto con sus demandas, OPIP presentó un plan de administración de recursos naturales en el cual explican su uso tradicional y no destructivo de la selva »no solamente para beneficios a corto plazo, sino para el beneficio de los hijos de nuestros nietos.«

El concepto de territorialidad indígena es bastante nuevo para Ecuador. Las únicas tierras actualmente reconocidas como territorios indios en el país son aquellas ocupadas por los *huaorani* -también localizadas en Pastaza- y la de los *awa* en la frontera con Colombia. Estos territorios fueron legalizados en los 80 debido a la presión internacional ejercida sobre el gobierno. Durante la última década, los activistas de derechos ambientales y humanos se han vuelto cada vez más conscientes de que los derechos territoriales son necesarios para la sobrevivencia del pueblo indígena y la protección de la selva.

OPIP quiere ahora extender estos territorios para incluir el resto de las tierras indias de Pastaza. Afirman que los derechos territoriales son necesarios a fin de garantizar la sobrevivencia de sus culturas y sus comunidades.

La Organización de Pueblos Indígenas de Pastaza está pidiendo al gobierno que cambie el Artículo 1 de la Constitución para que se lea, »Ecuador es un estado plurinacional, soberano, independiente, democrático y unificado, el cual reconoce, protege y respeta la diversidad cultural«.

La mayoría de los países sudamericanos han reformado, o están en el proceso de reformar sus constituciones para reconocer y proteger los derechos de los indígenas. No obstante, el concepto popular en Ecuador es que los indios pertenecen al pasado, parte de lo que es conocido como »folclore«, para ser comercialmente explotado.

En un intento de idear una sola y uniforme identidad cultural, el gobierno ha promovido activamente la »integración« y »civilización« de los indios desde su fundación en 1830. Esta estrategia ha llevado a la exclusión o explotación social, económica y política de los indios que comprenden el 40-45% de la población total de Ecuador.

Después de semanas de acampar en un parque público en Quito, los indios se fueron con menos de lo que se habían propuesto. Ganaron los títulos a un poco más de la mitad de las tierras que usan y el Congreso llamó a una sesión especial en junio para analizar la demanda de los indios de reforma constitucional. Pero su éxito más importante fue el de ganarse los corazones de los ecuatorianos. Los amazónicos son ahora recono-

cidos como pueblos valientes y articulados y no como »salvajes invisibles«, como fueron considerados durante mucho tiempo.

Los marchantes se reunieron en Puyo, la capital de Pastaza, el 10 de abril, muchos de ellos habían caminado y navegado en canoas desde sus comunidades, a 150 millas de distancia, en la frontera peruana. Hombres, mujeres y niños nerviosamente partieron de Puyo el 11, bajo la lluvia torrencial, sosteniendo hojas y plásticos sobre la cabeza para mantenerse secos. Cuando entraban a una comunidad, multitudes de gente los esperaban, ofreciéndoles donaciones y ayuda.

En su cuarto día, fueron agasajados por músicos y una fiesta en la aldea india de Salasca. La comunidad construyó chozas de bambú en el centro del pueblo para que los marchantes descansaran. Los »salascas« abrieron todas las facilidades públicas para ellos y los recibieron con discursos de solidaridad.

Más de la mitad de las necesidades de los marchantes, de leña, comida, bebida, cobijas, ropa, alojamiento y medicinas, fueron satisfechas por donaciones de las comunidades a lo largo de su ruta. En un comunicado de prensa, los indios declararon, »Nuestra marcha histórica ha cambiado definitivamente las relaciones entre los pueblos indios y la sociedad blanca/mestiza: las manifestaciones de solidaridad con nuestros objetivos es una señal clara de que es posible para nosotros vivir uno al lado del otro, respetuosos de la unidad dentro de nuestra diversidad.«

Muchos de los marchantes llegaron con resfriados severos y fueron tratados por uno de los doctores y/o shamanes que acompañaban la marcha. El pueblo de la selva de Pastaza está acostumbrado a un clima muy cálido y cerca del nivel del mar. Durante la marcha, tuvieron que subir a altitudes hasta de 14.000 pies donde en las noches estaban a veces bajo cero.

El año 1992 marca 500 años desde que Cristóbal Colón empezó el proceso de colonización de las tierras indias. En reacción a las celebraciones de gala del aniversario, que son planeadas por los gobiernos e intereses corporativos por todas las Américas y Europa, el pueblo indio está conmemorando 500 años de Resistencia India. En relación a los quinientos años, los indios amazónicos declaran, »Ahora es el tiempo de la descolonización, el tiempo de reconocer nuestras ricas culturas y construir un nuevo Ecuador«. ❑

ANDREW GRAY

¿y después de la fiebre del oro...?

DERECHOS HUMANOS
Y AUTODESARROLLO
ENTRE LOS AMARAKAERI
DEL SUDESTE DE PERU

DOCUMENTO IWGIA 5
US$ 9.40

808

La Presencia Mbyá en Uruguay

Por: Juana Olivero Sesini
AIDU – Asociación Indigenista del Uruguay

Uruguay.

En América, los indígenas habitantes de estas latitudes afrontan una constante y tenaz lucha por seguir siendo pueblos, por seguir siendo ellos mismos, por el derecho a ser indios, en una **resistencia** contra toda forma de opresión colonial, política y económica.

Los *guaraní-mbyá* del mismo modo que otros pueblos hermanos luchan para mantener los límites de sus fronteras étnicas, por conservar sus territorios, viéndose impotentes ante el avance de las sociedades nacionales y la sistemática destrucción de sus bosques, el despojo y desalojo de sus tierras y la violación de sus espacios sagrados y por ende la destrucción social que tal situación implica.

Sabido es que el territorio tradicional ocupado por los pueblos indígenas preexistía a la llegada de los europeos en una suerte de relación muy particular con la tierra de sus ancestros. En la actualidad luego de ser sometidos a las distintas modalidades del sistema explotador occidental, se ven desplazados y obligados a ocupar ecosistemas marginales inadecuados para el pleno desarrollo de su cultura.

Estas comunidades no conciben su territorio de acuerdo a las delimitaciones convencionales de las actuales fronteras de cada país, sino que consideran al amplio territorio desde la selva paraguaya hasta la costa atlántica, como tierra de sus »abuelos« *mbyá rekoá*, país mbyá.

El avasallamiento que soportaron y soportan los mbyá y demás pueblos indios por parte de la cultura dominante, ha desencadenado procesos diferentes que convergen en una gran problemática: »la amenaza de sus culturas«. Procesos etnocidas – que destruyen los modos de expresión cultural -, genocidas – son diezmados físicamente por distintos medios – y ecocidas – que destruyen sus habitat devastando el entorno e impidiendo su pleno desarrollo cultural. Estos factores de orden político unidos a otros de no menos complejidad, como el socio-económico y el mitológico, interactúan favoreciendo la naturaleza migrante de los guaraní-mbyá. En una búsqueda de condiciones óptimas para desarrollar su forma ideal de vida.

Se desplazan en contingentes de familias nucleares y comienzan a llegar a zonas fronterizas de la República Oriental del Uruguay a fines de los años 70. Los principales núcleos familiares salieron del Paraguay hace aproximadamente dos décadas, para establecerse en Misiones (Argentina), de allí se trasladan a Brasil y finalmente entran a Uruguay por Aceguá, localidad fronteriza con Brasil. A la fecha, en nuestro país a los mbyá se les encuentra en diferentes departamentos: Montevideo, San José y Salto.

El hecho de que en nuestro país se encuentren viviendo indios guaraní-mbyá es un significativo acontecimiento, por todo lo que el hecho implica.(*)

Nuestras naciones latinoamericanas a menudo han ignorado las culturas indígenas, omitiendo el derecho a la diferencia cultural, desplegando políticas de homogeneización. Enceguecidos por la soberbia heredada de los conquistadores han destruido la cultura material y espiritual de pueblos enteros.

Uruguay se ha enorgullecido en no pocas oportunidades de verse libre del »problema indígena«, como si la desaparición de una cultura no representara una pérdida y un empobrecimiento, además del desvínculo que implica de la problemática latinoamericana. Por el contrario esta realidad ha sido considerada como méritos que nos permiten ser lo que no somos: europeos.

La presencia de estas familias nucleares indígenas en nuestro territorio es un hecho significativo más allá de la cuantificación en número de personas, o en su incidencia como portadores de una cultura diferente. Cualitativamente sacude conciencias e implica un desafío asumir una identidad latinoamericana sin exclusiones.

La actual distribución geográfica de los mbyá señala a Paraguay (oriental), a Misiones (Argentina) y al sur de Brasil como las áreas de mayor concentración y desde comienzo de los 80 se detecta la presencia de algunos núcleos familiares en Uruguay.

Se han asentado en diversos puntos del país, preferentemente en el litoral del río Uruguay y del Río de la Plata. De esa forma han estado por lapsos de tiempo fluctuando en búsqueda de condiciones óptimas en: el monte natural del arroyo Guaviyú, en la isla Filomena Grande frente a Nuevo Berlín, en Conchillas sobre el arroyo Miguelete, en el Real de San Carlos, en playa La Colorada de Montevideo, en Paso Viejo sobre el arroyo Fray Bentos entre otros.

Los mbyá son por excelencia habitantes de los montes. Tradicionalmente los lugares ideales para su habitat deben tener abundante caza, pesca y posibilitar la recolección de frutos y miel silvestre. También son horticultores, sus cultivos son el maíz, la mandioca, las calabazas, porotos, melones, tabaco, maní, caña de azúcar y otros cultivos menores.

La organización social del grupo se articula en base a la familia nuclear. El factor de mayor relevancia para la cohesión social es sin lugar a duda el religioso. Su sistema de creencias regula su vida. Es el ordenador de sus acciones, de su concepción del mundo.

Hay una gran predominancia de la religión en todas las esferas de la vida mbyá. Los líderes religiosos debido a su rol, detentan gran poder y prestigio en sus comunidades.

Bajo el liderazgo de un jefe con poder de convocación se agrupan varias comunidades zonales, es el actualmente llamado *Tekoha Guazú*. Este sistema se ve seriamente amenazado por la atomización y dispersión de las comunidades, debido a la gran presión que sobre sus tierras ejerce la sociedad que los envuelve.

Como se desprende de lo expuesto en Uruguay, no existen Tekoha Guazú, ni siquiera un Tekoha. Cuando habitaron la isla Filomena Grande habían cinco familias reunidas pero en ningún momento se llegó a reconocer líder alguno, ya sea político o religioso.

Si observamos lo que ocurre en otros lugares, como Paraguay por ejemplo, estos Tekoha están formados de 5 a 20 familias, cuyo parentesco es consanguíneo y afinal. Por tanto resulta lógico pensar que en Uruguay no se eligiera un líder dado que son familias nucleares que proceden de distintos lugares y que recién ahora comienzan a emparentarse a causa de los casamientos de sus miembros.

Como consecuencia del cambio cultural operado en estas comunidades, al tener que abandonar los habitat apropiados y verse obligados a ocupar otros poco satisfactorios para el desarrollo subsistencial, efectúan actividades alternativas, como la elaboración y venta de artesanías y el desempeño de tareas de trabajos asalariados ocasionales. En Uruguay la venta de artesanías es el ingreso de mayor relevancia y en gran parte del año es la actividad sostén para la comunidad. La elaboración de la misma es comunitaria, desde los niños mayores de 10 años a los más viejos intervienen en esta actividad. La morfología es variada y difiere de la tradicional. La comercialización preferentemente está a cargo de los hombres o varones jóvenes, es realizada por ventas individuales en ferias, plazas o calles de importancia comercial y en último caso, de acuerdo a la urgencia de conversión monetaria son colocadas en comercios afines.

Otra actividad, fuente de ingresos no tradicional, es la efectuada por los jóvenes varones de la comunidad, prestando servicios en chacras, quintas o empresas relacionadas con las actividades agrícolas. Este tipo de trabajo es generalmente temporal y carecen de contratos y de beneficios sociales, por lo que están expuestos a la inescrupulosidad de algunos patrones.

De sus actividades tradicionales: cultivo, caza, pesca y recolección en Uruguay han encontrado oportunidades disímiles de realización, debido a la gran diferencia de los ecosistemas que estaban habituados a ocupar.

En el caso particular del cultivo, por el clima no se realiza en el litoral del Río de la Plata plantación de mandioca, en cambio prospera en el norte del país. Se sustituye plantando papas. La caza está muy limitada, al igual que la pesca. En cuanto a la recolección es prácticamente inexistente, salvo algo de miel silvestre.

En síntesis se podría decir que el sistema económico mbyá está basado, cuando su habitat se lo permite, en la horticultura de subsistencia y en las actividades complementarias. Dependiendo de la época del año adquiere relevancia la artesanía y el trabajo asalariado ocasional.

En cuanto a la distribución, la característica es la posesión comunitaria de tierras, montes y agua. Y la posesión individual o familiar de los productos logrados con el esfuerzo propio, o sea artesanías, productos de cultivo, caza, etc.

Aunque todas las actividades económicas, tanto desde el punto de vista productivo como la de redistribución, están sometidas a la obligación de la ayuda mutua entre parientes consanguíneos y compueblanos.

En forma sucinta hemos expuesto las características principales de la presencia mbyá en Uruguay, su llegada y condiciones de vida. Dicha presencia concitó la atención y generó inquietudes sobre una problemática a la que habíamos permanecido ajenos. El hecho de que suscite controversias es indicador de su importancia.

La Asociación Indigenista del Uruguay (AIDU) surge como respuesta al desafío que significó asumir en un país que históricamente exterminó los indígenas, una identidad latinoamericana que no excluye las etnias aborígenes ni a grupo étnico alguno.

(*) A la llegada del conquistador, los indígenas habitantes de lo que hoy es la República Oriental del Uruguay, se vieron diezmados por largas luchas sostenidas con los intrusos y por las enfermedades que estos portaban. Más tarde pasaron a integrar los ejércitos patrios en las luchas por la independencia. Una vez alcanzada la misma no hubo cabida para ellos en la nueva estratificación social, convirtiéndose en una »lacra« para la nobel sociedad. Durante el transcurso de la primera presidencia (1830-1835) fueron exterminados. Convocados bajo un falso pretexto y una vez reunidos los exterminaron a tiros. ❑

El Pueblo de los Indios: Indiantown, Florida

Por: Allan F. Burns

En 1982 nueve refugiados *maya* guatemaltecos fueron capturados por el Servicio de Inmigración y Naturalización (INS) en el sur de Florida. Cuando el INS encontró que no tenían papeles de inmigración, los nueve fueron puestos en el Centro de Detención Krome en Miami. El centro de detención Krome se había hecho famoso al principio de los 80 como el lugar dónde los cubanos de la inmigración Mariel y la gente de los botes haitianos fueron alojados. Las condiciones en el centro eran especialmente malas, así que cuando este primer grupo de mayas guatemaltecos fueron ubicados allí, tuvieron su primera experiencia de choque con la cultura institucional de los Estados Unidos. Estos ocho hombres y una mujer no se identificaron ni en español ni en inglés, así que fueron identificados como »ocho John Does y una Jane Doe«. En este artículo rastreamos los cambios de identidad y de organización comunitaria de los refugiados mayas en Florida desde el primer momento de obscuridad hasta diez años después cuando hay aproximadamente de diez a veinte mil mayas guatemaltecos en Florida.

Cuando los primeros nueve *q'anjobals* fueron finalmente puestos en libertad después de varias semanas de detención, fueron a un activista, el sacerdote católico, Frank O'Loughlin, cuya parroquia en Indiantown, Florida fue el hogar temporal de muchos trabajadores inmigrantes (Santoli 1988). El nombre de Indiantown fue dado al poblado en el siglo XIX y se refiere a un viejo campamento de los indios *seminole*. Estas fueron las primeras personas de San Miguel de Acatán, en Huehuetenengango, que hicieron de Indiantown su hogar. En los años 90 había de cuatro a cinco mil mayas en Indiantown, durante la temporada alta de cosecha del invierno en las granjas de los alrededores y los huertos cítricos. Aunque la comunidad maya sigue siendo en su mayoría q'anjobal, es también el hogar de hablantes de otros idiomas mayas, incluyendo *akatek*, *jakaltek*, *mam* y *quiché*. El pueblo se ha hecho conocido a través de la cadena humana de refugiados y otros inmigrantes de las tierras altas de Guatemala por la traducción española del nombre, »El Pueblo de Los Indios«. Nuestra meta en este artículo es de mostrar como los mayas se han adaptado estratégicamente a la pequeña comunidad agrícola de Indiantown durante los primeros diez años de inmigración a los Estados Unidos. Además, estamos presentando el caso de Indiantown para mostrar cómo las cruciales experiencias sociales del pueblo maya en la comunidad, han resultado en una emergente identidad maya en Florida (Burns 1989). Esta identidad esta basada en representaciones diferentes de los refugiados y en el número creciente y la variedad de gente que continua inmigrando a Indiantown.

El nombre »Indiantown« es al mismo tiempo una ironía para los mayas y un reconocimiento de la importancia de la diáspora maya en la formación de una nueva identidad. La ironía de la traducción del nombre del pueblo viene del termino »Indio«. »Indio« en español guatemalteco es todavía un término despectivo, que refleja el agrupamiento de la variedad de comunidades indígenas de Guatemala en una sola categoría racial. Tal simplificación y reducción es especialmente ofensiva ya que contradice un valor cultural público ubicado en la distinción de pueblos individuales y comunidades de las tierras altas de Guatemala. Craigh (1977), entre otros lingüistas que han trabajado en Cuchumatan, el territorio de los mayas de Florida, ha comentado sobre la imposibilidad de los hablantes de lenguajes estrechamente relacionados tales como el akatek para entender a la gente de lenguajes cercanos o incluso reconocer una lingüística común. Esto ha llevado a una proliferación de lenguajes mayas reconocidos, y pueden ser vistos como una fuente de división entre los maya. Pero también refleja un valor positivo cultural, el valor de suponer diferencias culturales en el mundo. Manning Nash describe esta visión maya del mundo:

> *El eje importante de esta visión del mundo, en relación a las personas y la cultura, es que los indios maya ven las diferencias culturales como »naturales«. La variedad cultural es un hecho de la naturaleza. Diferentes costumbres son al mismo tiempo características y apropiadas para pueblos diferentes...*
>
> *Además, estas diferencias culturales existen todas al mismo nivel de validez humana. No están clasificadas. Las diferencias no son ni mejores ni peores, son simplemente diferentes. Están en el esquema de las cosas, no para ser eliminadas, superadas o descartadas. (Nash 1988:108).*

Andrés, un inmigrante de Indiantown, me explicó este concepto en términos de cómo los ciudadanos estadounidenses esperan una asimilación cultural de los inmigrantes.

> *»Porqué es que los Americanos quieren que nos absorbamos y nos volvamos como ellos. No les pedimos que se vuelvan como nosotros: no les pedimos que se vistan como nosotros. Se supone que son diferentes a nosotros y que nosotros somos diferentes a ellos también.«*

Por accidente de historia y geografía, »El pueblo de los Indios«, Indiantown, es el hogar de un número creciente de mayas. Las

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identidades distintas de las diferentes aldeas y municipalidades de Guatemala están siendo sumergidas bajo la creación de esta nueva identidad como indios mayas en un contexto norteamericano.

Estatus legal y social: refugiados; emigrantes, y trabajadores migrantes

Los estimados diez a veinte mil mayas que han venido de Guatemala a Florida en los diez últimos años son refugiados a causa de la violencia política, civil e interpersonal en la región. El término refugiado en sí es muy cargado, especialmente cuando el número de refugiados en todo el mundo continúa aumentando a una velocidad alarmante (Zetter 1988). Una distinción común hecha está en el criterio de los Acuerdos de las Naciones Unidas en Ginebra, dónde cualquiera escapando, con un temor bien fundado de persecución es definido como refugiado político, y cualquiera escapando de la desintegración económica o social de su país es un refugiado económico. Los gobiernos de todo el mundo se apresuran en adoptar esta distinción, ya que permite un estricto control de inmigración y la negación del estatus legal de inmigrantes a esas personas que son calificadas como »inmigrantes económicos«. Aunque comúnmente aceptado en círculos gubernamentales, la experiencia de los mayas guatemaltecos al dejar su patria y viajar a través de Méjico y los Estados Unidos sugiere que este término necesita una revaluación. Usaremos el término »refugiado« en un amplio sentido en este documento porque es importante reconocer que hay grados de »persecución política«, y que cualquiera que es designado oficialmente como »inmigrante económico« o »extranjero ilegal«, puede muchas veces cambiar su estatus a »refugiado de asilo político« por la fortuna de encontrar a un buen abogado o por acontecimientos fuera de su propio control, como »las Iglesias Bautistas Americanas« o la decisión »ABC« de la Corte Suprema de 1990, como es generalmente conocida. La decisión, basada en un caso presentado por varios grupos de iglesia colaborando con las Iglesias Bautistas Americanas, argumentó exitosamente que las decisiones de asilo político para centroamericanos no han sido basadas en los méritos de cada caso, sino en la política exterior de los Estados Unidos durante los 80. La decisión en favor del caso presentado por las iglesias reabrió las aplicaciones de asilo político que habían sido rechazadas durante los diez últimos años.

La comunidad de Indiantown

La gente de Indiantown no están buscando más refugiados.

Indiantown es una pequeña comunidad agrícola que no recibe ningún apoyo especial por la carga de una nueva población de refugiados, y la comunidad ha sido fuertemente presionada con la cobertura de las necesidades sanitarias, educativas, sociales y emocionales del número creciente de mayas que se establecen allí. Realmente, los habitantes de Indiantown nunca se imaginaron que su pueblo se convertiría en el destino de tantas personas de Guatemala. Pero la disponibilidad de trabajo agrícola, la atmósfera de pueblo pequeño y la hospitalidad ofrecida por la Iglesia Católica pone a Indiantown dentro de la red de emigración de la diáspora maya. Indiantown está localizado tierra adentro, en la costa sureste de Florida. Su ubicación está en el cruce de varios mercados de trabajo. La tierra que le rodea incluye miles de hectáreas de ricas plantaciones cítricas, y en un momento fue el área más grande de producción de limón en Estados Unidos. El pueblo está en el extremo sur de las grandes tierras ganaderas de Florida, y linda con los inmensos campos de vegetales invernales del sur de Florida.

La agricultura es solamente una parte importante de la atracción de Indiantown para la gente tratando de sobrevivir en el mercado de trabajo en los Estados Unidos. La comunidad está en el límite del área de auge de la construcción de la Florida costera. Las comunidades de campos de golf profesionales y la interminable extensión de las comunidades planificadas de la costa tienen necesidad de mano de obra no calificada. Trabajos jornaleros, trabajo de construcción e industrias que proveen la construcción, son todas áreas donde los mayas pueden solicitar trabajo. Sería un error, el creer que el área es una meca económica donde los buenos trabajos abundan. Mucho de los trabajos que el maya encuentra son temporales, de temporadas y a menudo sin beneficios. El desempleo temporario y el subempleo son muy altos, y el trabajo agrícola estacional pone a muchos de los mayas en la corriente migratoria, por lo que Indiantown no es más

que uno en una serie de pueblos pequeños donde los trabajadores agrícolas viven durante el año.

El pueblo no está incorporado, en realidad está formado de varios poblados, próximos el uno del otro, tales como »Booker Park«, »Indianwood«, y el propio »Indiantown«. Indiantown está centrado en el único semáforo de la comunidad, y contiene casas de clase media, escuelas públicas y la oficina de correos. Una comunidad de retiro de casas manufacturadas, »Indianwood«, fue construida en los 80. Ofrece un campo de golf y la oportunidad, para los retirados, de establecerse al sur de Florida a una fracción del costo de las áreas costeras. »Booker Park«, es la parte pobre del pueblo, hogar para la mayoría de los afroamericanos, hispánicos, y mayas que fueron atraídos por la existencia de trabajo de granja en el área.

El área de Indiantown tiene una economía mixta con una población permanente de 5.000 personas. Las principales fuentes de empleo son actividades y servicios agrícolas, servicios sociales y de salud, escuelas y una fábrica de helicópteros cercana.

Indiantown está también en el borde del lago Okachobee, y por lo tanto a veces hospeda deportistas que vienen a cazar y a pescar en la zona. La comunidad angloamericana de Indiantown es diversa, como en muchos de los pueblos de Estados Unidos. Las diferencias de estatus económico, religión, edad y ocupación hacen a Indiantown un terreno social complicado. El pueblo se jacta orgullosamente, de un grupo de gente con conciencia cívica y social, los cuales han formado un núcleo permanente de una »comunidad de ayuda«. Esto incluye personal de emergencia médica voluntario que se ocupa del servicio de ambulancias, maestros y ayudantes voluntarios en las escuelas, y familia que se ocupan de enseñar el inglés así como hacer esfuerzos personales para incorporar a los refugiados mayas dentro de la estructura social de la comunidad. Este núcleo es aumentado por la presencia de trabajadores sociales y voluntarios del servicio social, una orden de monjas católicas y maestros laicos que dirigen la escuela de los niños trabajadores inmigrantes, abogados ayudantes para asistencia legal, trabajadores de hospital y clínicas, así como periodistas, estudiantes y organizadores de sindicatos. Esta parte de la »comunidad de ayuda« hacen de la comunidad su hogar por meses y a veces años. Debido a que Indiantown es relativamente pequeño, este grupo de gente es más visible y más influyente de lo que podrían ser en una ciudad o comunidad mayor.

No toda la gente de la comunidad es tan hospitalaria hacia los mayas como esta »comunidad de ayuda«, y tampoco hay uniformidad entre este grupo diverso en términos de metas, métodos, o conocimientos sobre refugiados (Dorman 1986).

Pareja maya q'unjobal en Indiantown.
Foto: Paula Horvath-Neimeyer.

Sin embargo, la »comunidad de ayuda« es un nuevo sector social en las vidas de los inmigrantes mayas, uno que es importante tanto para su adaptación como para su identidad en Florida.

Una vez estando en Indiantown, los mayas tienen también que adaptarse a una comunidad multiétnica de trabajadores migrantes. En Guatemala, la distinción entre diferentes aldeas o pueblos era importante en el departamento de Huehuetenango, así como la distinción entre mayas y *ladinos* (Nash 1988). Aun cuando los mayas iban a las plantaciones de la costa de Guatemala a hacer trabajo de temporada, tendían a quedarse con amigos y gente del pueblo de su propio idioma y grupo comunitario, y así tenían muy poca experiencia con la diversidad multiracial y multiétnica de un pueblo pequeño de los Estados Unidos. Desde finales de 1982 cuando los mayas empezaron a llegar a Indiantown su mundo social se ha ampliado para incluir grupos de trabajadores migratorios que se encuentran en EEUU: afroamericanos, blancos, haitianos, así como gente del Caribe, mejicanos, mejicanos americanos, y otros centroamericanos.

Como muchos pueblos pequeños de los Estados Unidos, los trabajos mal pagados, tales como los que se encuentran en granjas y en plantaciones cítricas, han atraído una fuerza de trabajo multiétnica.

Con el correr del tiempo, diferentes grupos tienden hacia diferentes sectores de trabajo. En Indiantown, esto significó una tendencia para mejicanos y mejicanos americanos de trabajar en la industria cítrica. Los afroamericanos tienden a trabajar en construcciones o en la industria de césped precrecido del área. Los mayas empezaron a trabajar en la industria cítrica, pero muchos se fueron rápidamente a trabajar en granjas de vegetales, la industria de vivero, criadero y la construcción no calificada. Los hombres mayas guatemaltecos tuvieron éxito en la industria constructora de campos de golf. Su cuidadosa atención de los pastos y trazado de los campos de golf y su buena voluntad de trabajar mucho y duro los hizo solicitados como fuerza de trabajo.

Vivienda

La afluencia de mayas guatemaltecos a la comunidad ha producido una tremenda tensión en la estructura social de Indiantown. Una de las primeras tensiones fue la tensión de la vivienda. Hace ya mucho tiempo que la característica de Indiantown ha sido ser un pueblo que es usado por trabajadores migrantes que viven en las afueras durante la cosecha de vegetales invernal y de cítricos, en forma temporal en edificios de apartamentos, en »campamentos« de trabajadores de granja, y en cuartos rentados. Pero los

mayas guatemaltecos presentaban un problema diferente al de los emigrantes predecibles de temporada quienes llegaron a la comunidad antes de 1980. Los guatemaltecos eran substancialmente más pobres que los inmigrantes previos, hablaban lenguas irreconocibles en la comunidad, y llenaban cualquier vivienda disponible hasta el límite. En un estudio que llevamos a cabo para el Departamento de Trabajo de EEUU, encontramos que el tamaño promedio de familia entre los mayas guatemaltecos de Indiantown, era de 12 personas, con muchas casas teniendo más de 20 personas. Los mejicanos y mejicanos americanos, por otro lado, promediaban solamente cinco personas por casa. La presión de vivienda en la comunidad es fenomenal. Los residentes angloamericanos se quejan sobre el declinamiento del valor de las casas a causa de los emigrantes. Varios mencionaron el sobrecargo del sistema de aguas cloacales del pueblo. Incluso la tendencia de los mayas de caminar, en vez de usar medios de transporte en Florida, aparta a los mayas de los residentes a largo plazo. La imagen de grupos de cinco o seis mayas caminando por la carretera principal de la comunidad presenta una imagen nueva en el pueblo. Un residente dijo que »el pueblo se está volviendo »el Pueblo de Guatemala« (Guatemalatown) – no es más »el Pueblo de los Indios« (Indiantown)«.

Los costos de las viviendas son altos también. Rentas de tres o cuatrocientos dólares son comunes para departamentos no amueblados de dos cuartos más una »sobretasa« de $25 por persona por semana si hay más de cinco. Aquellos que no tienen suficiente dinero para vivir bajo estas condiciones pueden obtener abrigo en coches o autobuses abandonados que están en propiedades donde los dueños cobran $25 a la semana. Unos pocos inmigrantes mayas han podido comprar sus propias casas modestas en la comunidad. Como quiera que sea hay mucha presión sobre cualquiera que es propietario o que alquila una casa, para recibir huéspedes. Los parientes, amigos y aquellos que llegan a Indiantown sin hogar, todos acuden a la gente que vive en casas y les piden asilo temporario.

La vivienda es una necesidad tan crítica y visible para los mayas guatemaltecos de Indiantown que ensombrece muchos otros asuntos. La comunidad ha podido construir viviendas de rentas bajas para trabajadores de granjas, a través de una autoridad de vivienda sin afanes de lucro e intereses de Habitat para la Humanidad. Pero hay una continua llegada de gente, bien regresando al área cada invierno o inmigrando allí por la primera vez, que inunda todas las viviendas disponibles.

Relaciones interétnicas

Las relaciones interétnicas en Indiantown son problemáticas. Mientras que las amistades individuales y relaciones entre los mayas y sus vecinos se dan, en gran medida las barreras de lengua, costumbres nacionales, desconfianza y violencia impiden desarrollar las relaciones interétnicas. Los mayas son frecuentemente el blanco de asaltos y robos debido a su pequeña estatura y por el hecho de que se sabe que no están armados. Un trabajador ilegal que entrevisté, notó que cuando habla con los guatemaltecos sobre armas en Indiantown, lo miran siempre horrorizados.

Las relaciones interétnicas en la comunidad no son especialmente mejoradas por medio del trabajo. Se piensa que el trabajo es el lugar donde el ideal de »crisol de razas« de la sociedad de EEUU opera mejor. La experiencia común de trabajo, la estructura de relaciones industriales, la camaradería que se desarrolla en el trabajo son todas ideas importantes de cómo el contexto de trabajo funciona para asimilar gente con diferentes antecedentes. Pero en Indiantown, hay un gran motivo para solicitar trabajo y la ayuda de otra gente que hable el mismo idioma en la comunidad. Sólo ocasionalmente la comunicación cruzada de idiomas es necesaria.

La extrema exigencia física del trabajo de los emigrantes impide mucho la conversación. Por ejemplo, un haitiano contaba que un hombre de habla hispana había sido contratado para trabajar en su equipo en una empresa paisajista. El haitiano trató de aprender algunas frases en español relacionadas con el trabajo. Después de varias semanas, dejó de intentar. Cuando se le preguntó si había hecho amistad con el otro, respondió que no, ya que había muy poco tiempo para hablar durante el trabajo. Aún un momento como la pausa del almuerzo no era usado para entablar relaciones sociales porque, como señaló, »es el tiempo de comer y no de hablar«.

Cambios y conflictos en la comunidad

Nos encontramos indecisos de proporcionar una descripción de Indiantown de la misma manera que antropólogos e historiadores han descrito pequeñas comunidades en el pasado. La diáspora maya a Indiantown ha sido un proceso que contiene cambios anuales y acumulativos, así que lo que es verdad un año, es a menudo cambiado radicalmente en el siguiente. Los cambios anuales en la disponibilidad de trabajo agrícola en Florida, debido a heladas o cambios en el mercado internacional, ha resultado en un movimiento de los mayas a un trabajo más establecido como los trabajos de vivero y de jardinería. El problema del crimen, vivienda y sofisticación creciente, también ha influido a que muchos mayas dejen la comunidad por otras partes en Florida. Por ejemplo, desde 1982 hasta 1985 Indiantown era el centro de la colonia maya en Florida. Desde 1985, miles de mayas se trasladaron a otras comunidades, a menudo quedándose en grupos pequeños de una o dos familias en vez de congregarse en un pueblo.

Hay probablemente unos 20.000 guatemaltecos en Florida el día de hoy (Palm Beach Post, Dic. 21, 1988). Esto significa que Indiantown es el hogar de solamente la cuarta parte de los refugiados.

Los cambios en la comunidad van mas allá de los cambios de la población. El perfil demográfico de la comunidad ha cambiado dramáticamente desde 1985 cuando más hombres solteros empezaron a llegar sin familias. La inmigración familiar a Indiantown fue la característica de las primeras oleadas de refugiados mayas, pero como la emigración de Guatemala se ha vuelto más difícil y como Méjico se ha vuelto más efectivo en la captura y deportación de los guatemaltecos que tratan de atravesar el país sin papeles (Comité de Refugiados de los EEUU, 1991), son primordialmente hombres solteros jóvenes quienes pueden hacer el viaje. El resultado de la interdicción mejicana de los centroamericanos es la limitación de la edad de los emigrantes, una limitación del número absoluto de guatemaltecos y centroamericanos que entran a los Estados Unidos, y el aumento de inmigrantes mejicanos ilegales.

La comunidad guatemalteca de Indiantown ha también cambiado debido a la creciente complejidad de los inmigrantes. Como mencionamos al principio de este documento, los *q'anjobal* de San Miguel de Acatán son el grupo predominante en la comunidad, pero los ladinos, otros mayas y otros centroamericanos inmigrantes son ahora comunes en el pueblo. Los refugiados de principios de los 80 se quejan de que los nuevos inmigrantes no tienen las mismas razones de emigración que ellos. La decisión de la »Iglesia Bautista Americana« de reabrir casos de asilo político (Dic., 1990) resultará en una oleada de varios miles de casos donde el estatus de refugiado debe de ser documentado. Ahora los conflictos han tenido tiempo de presentarse en Indiantown, los cuales a menudo tienen sus bases en eventos de Guatemala.

Se han hecho acusaciones de que la gente está afiliada a diferentes grupos de guerrillas insurgentes, y también son hechas acusaciones de gente colaborando con el ejército de Guatemala. La identidad de la gente en el pueblo como »maya« o »guatemalteco« ha sido un asunto de gran conflicto así como la identidad de »q'anjobal«, »mam«, o »quiche«. La afiliación de Iglesias, evangélica, católica, o tradicional, es todavía otra área de discusión que ha empezado a surgir más y más en la comunidad. Finalmente, y tal vez lo más perjudicial, las envidias y denuncias de mayas que trabajan en funciones de servicio social en la comunidad, tales como en clínicas de salud, o organizaciones no lucrativas, son ahora comunes. Como los campos de refugiados en Campeche y Quintana Roo, aquellos individuos que adquieren posiciones de liderazgo son especialmente sujetos a una tremenda envidia de la comunidad.

Choque cultural institucional

Las dificultades en adaptarse a la vida en Indiantown van mas allá del campo de las relaciones interpersonales. En la medida que la comunidad se desarrolla, más y más refugiados entran en contacto con el choque cultural institucional en las oficinas de las burocracias gubernamentales. La policía, las cortes y el INS (Servicio de Inmigración y Naturalización) son campos obvios donde el maya se confronta a nuevos problemas, pero la experiencia en Guatemala con instituciones similares por lo menos hace esto más comprensible. Pero otras instituciones, tales como los programas estatales de salud, presentan nuevos problemas. Los jóvenes mayas, especialmente, están en una época de confusión en Indiantown. El índice de natalidad entre las mujeres adolescentes es muy alto y la diferencia de edad entre los niños muy pequeña. Muchos de los mayas han crecido en los Estados Unidos desde que eran pequeños, así que el abismo entre sus experiencias y las de sus padres es inmenso. Mientras muchos de los trabajadores de la salud asumen que existe una tradición de conocimiento de salud que las madres jóvenes adquieren en su vida en los Estados Unidos, muchas de estas mujeres han vivido su mayor parte de vida en la cultura de comunidades como Indiantown y no han vivido en comunidades mayas guatemaltecas. Su aculturación y la de sus esposos y novios son en dirección a la pobreza de la subclase del trabajo agrícola y de la construcción. En un caso reciente en el que estábamos involucrados en otra comunidad de Florida, por ejemplo, a una madre soltera maya de 15 años, el estado le quitó su hijo por ser trabajadora migrante quien, de acuerdo con las enfermeras del hospital, no »se vinculaba« con su hijo.

Enfrentada con la audiencia de la corte, la mujer joven respondió »no« cuando se le preguntó si quería a su hijo, y »sí« cuando se le preguntó si quería regresar a Guatemala. Su español limitado y el factor de que era una inmigrante sin documentos sugería que ella estaba respondiendo a la corte como si fuera una audiencia de deportación y no una audiencia de custodia sobre el niño. Diciendo que no quería a su bebé y que quería regresar a Guatemala, estaba salvando a su hijo de su destino esperado si era deportada. Varios meses después, con la confianza ganada a través de las conversaciones con los abogados del bienestar infantil y Camposeco, ella pidió que se le regresara su hijo. Al final, su hijo le fue devuelto, pero recién después de que el niño había pasado el primer año de su vida lejos de su madre.

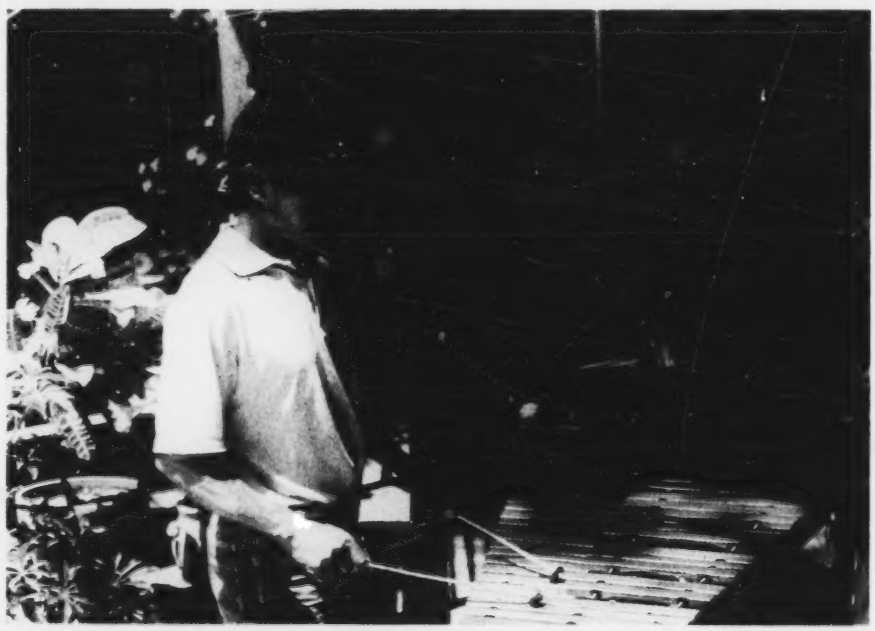
Investigación colaborativa en Indiantown

En 1983 Camposeco y Burns se conocieron a través de un amigo. Burns estaba dando cursos en la Universidad de Florida en antropología aplicada y los mayas, y Camposeco había sido uno de los pocos *jakaltek* maya que recibieron asilo político en los Estados Unidos. Camposeco fue capacitado en antropología y educación en Guatemala, así que estaba en la posición única de agente cultural y portavoz de los nuevos mayas que llegaban a Florida.

A diferencia de los otros, su posición estaba segura, no podía ser deportado o sujeto a persecución aquí en los Estados Unidos por hablar claro sobre la situación en Guatemala. Además, sus contactos con nativos americanos, especialmente el Centro de Leyes de los Nativos Americanos proporcionaba los medios por los cuales el podía asistir a los inmigrantes mayas con asuntos de asilo e inmigración.

En 1984 empezamos un programa de antropología aplicada en Indiantown, usando una red de estudiantes y otros colegas de la Universidad de Florida, oficinas de servicio social tales como El Centro de la Iglesia Católica en Indiantown, e instituciones que se ocupan de la emigración, asilo y asuntos de justicia social.

A través de los años desde nuestro primer encuentro, hemos desarrollado un programa de organización y acción comunitaria; investigación primaria de las cuestiones de empleo, salud, y educación; la creación de videos documentales de la televisión pública sobre la comunidad; y programas de expresión cultural a través de interpretaciones de marimba en museos y universidades. No todas estas actividades tuvieron el mismo éxito, ni tampoco hemos sido los principales promotores de todas éstas. Sería equivocado ver nuestras actividades como los únicos proyectos en Indiantown. Muchas otras personas han desarrollado programas sociales



Indígenas iacaltec y totmicapan tocando la "marimba" en la Fiesta de San Miguel Ocatán en Indiantown. Foto: Allan Burns

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muy útiles con los mayas de la comunidad. Sin embargo, con la naturaleza cambiante de la comunidad maya de Indiantown, nuestro propio trabajo ha contribuido tanto a la legitimación como a la adaptación de los mayas. Mencionaremos un par de actividades colaborativas a las cuales hemos estado abocados, como ejemplos de este trabajo.

Una es la organización comunitaria no lucrativa, Corn-maya. Corn-maya fue fomentada por Camposeco y el antropólogo Shelton Davis en 1982 como medio para dar a los inmigrantes maya una voz en los Estados Unidos. En 1983 Camposeco viajó a Los Angeles y ayudó a organizar una asociación hermana ahí, Ixim. La asociación Corn-maya de Indiantown estaba primero bajo los auspicios de la Iglesia Católica, pero como los fondos se hicieron disponibles para asilo político y ayuda de servicio social a través del consejo Mundial Luterano, Corn-maya fue desarrollada en una organización completamente independiente. Tomó varios años adquirir suficiente experiencia para calificar para un estatus de organización no lucrativa y exenta de impuestos, pero esta experiencia les dio, a los participantes de la organización, capacitación para tratar con la burocracia y agencias gubernamentales de EEUU. Como resultado, subsiguientes líderes de Corn-maya tuvieron confianza para abordar comisiones del condado, consejo de zonas, y otras asociaciones de la comunidad para solicitar ayuda. La asociación ha sido sometida a críticas por algunos inmigrantes mayas y guatemaltecos porque está muy estrechamente vinculada con las actividades de Camposeco y Burns. Por ejemplo, una crítica de la organización era que contenía la palabra »maya«, y ésta no representaba a los más recientes inmigrantes de la comunidad, que eran de Guatemala pero que no eran indígenas mayas. Ahora en los 90, se están formando otras organizaciones en contraste con la de Corn-maya pero basadas en la experiencia de la asociación.

Un segundo grupo de actividades colaborativas ha sido la creación de varias producciones de video en la comunidad. Al principio de nuestra amistad decidimos que sería importante tener un programa de video de media hora sobre los mayas que llegaron a Indiantown, para quitar algo de presión a Camposeco y otros, a los cuales se les pedía regularmente que hablaran en las iglesias y otros grupos en el estado, sobre las razones del por qué los mayas guatemaltecos venían a Florida. Camposeco tiene una gran colección de transparencias de sus años como maestro e investigador en Guatemala, y estas imágenes eran una excelente manera de presentar el caso de los refugiados al público americano. Burns reclutó la ayuda de un equipo profesional de filmación de la estación de televisión pública de Gainesville, y juntos hicimos el primero de varios programas. Mayas en Exilio fue mostrado en estaciones PBS en Florida y también vendido a escuelas y departamentos de antropología. Todos los beneficios de ventas y rentas del programa fueron para Corn-maya. Sin embargo, el programa perdió dinero. Las ventas y rentas fueron pocas, y nunca lo necesario para recuperar los costos de la renta del equipo y los sueldos del equipo profesional de filmación para hacer el programa. Pero el programa fue bien recibido y decidimos hacer un segundo unos años después.

Este segundo programa fue enfocado en la fiesta de San Miguel, que ahora se celebraba en Indiantown como recuerdo de San Miguel de Acatán en Guatemala y como un evento público para los mayas y no-mayas de la nueva comunidad de Indiantown. Varios años después se nos pidió por March of Dimes y la corporación y el Ministerio de Mujeres Presbiterianas, hacer un video para la mujer maya sobre el cuidado prenatal y nutrición. Lo hicimos, enfocando los cambios de comida, vivienda, e instituciones, que las madres jóvenes se enfrentan en los Estados Unidos. Mientras estos videos tenían muy poco atractivo como documentales generales, tuvieron una gran distribución. Había mucho interés en el cuidado de salud de las mujeres inmigrantes en los Estados Unidos, y los videos fueron distribuidos por las instituciones financieras a través de clínicas en muchos estados.

Como la mayoría de los programas documentales, los dos videos de salud dependían de la ayuda de expertos quienes estaban dispuestos a trabajar con la comunidad por poca o ninguna remuneración. Los videos sobre la salud fueron producidos por Randi Cameon, asistente médico con un grado superior en salud pública, y María Rocha, una estudiante graduada en antropología. En Indiantown, las demandas de gente local como voluntarios en los programas de servicio social conducían frecuentemente al agotamiento. Afortunadamente la Universidad de Florida, tenía un contexto suficientemente grande como para que la gente altamente motivada pudiera aportar su capacidad a los proyectos como éstos, por períodos razonablemente cortos de tiempo, y eludir la fatiga que sus contrapartes en Indiantown sentían.

Conclusiones

La situación en Indiantown es mucho más compleja que la de otras comunidades de refugiados que son oficialmente designadas por el gobierno o las agencias de las Naciones Unidas en el mundo. Indiantown es un pueblo donde los refugiados escogieron mudarse y no un lugar donde fueron reasentados involuntariamente. En los diez años desde que los mayas empezaron a emigrar a la comunidad, ésta se ha adaptado a ellos y al mismo tiempo las características de los inmigrantes han cambiado. Indiantown es ahora uno de los muchos lugares de la diáspora maya a través del cual los mayas guatemaltecos se mudan en ciclos episódicos y estacionales.

En la medida de que las comunidades como la de Indiantown se vinculan a través de redes de parentesco, trabajo, hospitalidad de los residentes locales y la presencia de expertos, los mayas de los Estados Unidos toman algunas características de otros nativos americanos. Quizás este pensamiento es mejor expresado por Jerónimo Camposeco:

En uno de mis viajes a una nación india en el norte del estado de Nueva York, conocí a la madre y a la hermana de mi amigo indio mohawk, Kay Yuta Clouds, con quien trabajé en Guatemala en un proyecto de Agricultura Orgánica y una escuela de Cultura, Ciencia y Filosofía maya para los hermanos mayas cakchiqueles de Poaquil, Chimaltenango. Un día en octubre de 1980, después de sus clases, Kay fue al mercado a comprar su comida, cuando regresó y pasó frente al parque de la Ciudad de Chimaltenango seis hombres fuertemente armados se le acercaron repentinamente, lo cogieron, lo golpearon y lo metieron violentamente a un carro partiendo a un rumbo desconocido, frente a muchos testigos y agentes de la policía nacional que no hicieron nada para pararlos. Días más tarde su cadáver apareció brutalmente golpeado, con señales de tortura, abandonado en las calles de Antigua Guatemala. El rostro de la madre de Kay reflejaba un profundo sufrimiento. Aún así, me sonreía, me abrazaba y me animaba, dándome fuerzas para luchar y denunciar las injusticias y sus verdaderas causas en nombre de su hijo que sacrificó su vida valiosa por la causa maya.

En febrero de 1983 los jefes mohawk y los editores del periódico indio Akwesasne Notes me llamaron urgentemente, pidiéndome que los acompañara a La Florida para asistir a los abogados del »Florida Rural Legal Services« y del »American Friends Service Committee«, que estaban defendiendo a unos kanjobales de San Miguel de Acatán, detenidos en las Cárceles del INS en Krome cerca de Miami. Primero nos dirigimos a Indiantown a donde llegaron los primeros refugiados mayas, tal vez porque el sacerdote ca-

lico Frank O'Loughlin estaba protegiendo a los refugiados e inmigrantes indocumentados que llegaban a Florida. El padre inició una campaña efectiva de educación entre los campesinos sobre sus derechos como seres humanos, frente a todo tipo de abusos de la patrulla de la frontera del INS o la »Migra«. El slogan: »No firmes nada, no digas nada, llama al abogado« fue exitosamente puesto en práctica por los kanjobales detenidos, el cual los salvó de ser deportados a Guatemala. Por otro lado los detenidos decidieron no hablar el poco español que conocían sino solamente su lengua materna kanjobal, estrategia que puso en aprietos a la »Migra«, quien fracasó en sus intentos de deportarlos. A eso se debía mi presencia, porque los abogados querían presentar un buen caso ante el juez de Migración en favor de los kanjobales, ya que hablo el idioma, conozco la cultura, y en ese tiempo yo había sido uno de los poquísimos guatemaltecos que exitosamente se me había concedido asilo político. Mi experiencia y los valiosos argumentos que utilicé en mi caso ayudarían a los abogados a pelear por estos hermanos mayas. Así fue que no sólo ayudé a preparar el material y servir de intérprete, sino también me presenté como un »expert witness« en la audiencia con el juez. Además se vio el apoyo de la iglesia, de los indios norteamericanos, de los »scholars« y otros.

La situación en San Miguel Acatán ya no es igual, es difícil que la tranquilidad vuelva, el pueblo tradicional y pacífico que existía antes es sólo un sueño ahora. Los miguelenos, jacaltecos, solomeros, mames, quiches, aguacatecos, kanjobales y otros mayas refugiados en Florida y en otros estados, como pueblo, como nación o como grupo, NO volverán a Guatemala. Quizás algunos individuos lo harán temporal o definitivamente.

Prácticamente en Norte América hay una nueva nación india, es la de los mayas en el Exilio. En vista de eso tenemos por delante un tremendo compromiso, un arduo trabajo, una constante lucha y una pelea continua en pro de respeto, reconocimiento y sobrevivencia.

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El Redescubrimiento de América

L'Homme-Revue Française d'Anthropologie,
Les Cahiers de L'Homme 122-124. 52, rue du Cardinal-Lemoine, 75005, París, Francia.

La conquista y colonización de las Américas es un ejemplo único de la reproducción de Europa en una escala continental. Las celebraciones del Quinto Centenario de este encuentro de dos mundos, brinda la ocasión para valorar esta experiencia de colonización, e investigar las cuestiones presentadas por la occidentalización y por las nuevas tendencias del »Americanismo«. En las vísperas del siglo XXI, la atención deberá ser dirigida hacia lo que ha sido específico sobre esta colonización, a saber el *mestizaje*, la producción de culturas y pueblos mestizos. Los artículos del Redescubrimiento de América, un número especial de la revista L'Homme, investiga dentro de las dinámicas de contactos e intercambios entre distintos pueblos y en la invención de formas originales de cultura.

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Pilín Shapín

– Un Maya contemporáneo con 500 años de historia

Por: Jerónimo Camposeco

Introducción

Felipe Sebastián Miguel Felipe, es el nombre castellano de un *maya akateko* que vive en la región rural agrícola de Immokalee F1.

Con este nombre solicitó a la Oficina de Migración en Miami Asilo Político el 30 de abril de 1991. Presentó como identificación un certificado de nacimiento expedido por la Alcaldía Municipal de San Miguel Acatán, Guatemala.

Si alguien lo busca en su comunidad, en los Montes Cuchumatanes de Guatemala, o entre sus »paisanos« en los campos de Refugiados de Chiapas, o en su nueva comuridad maya en Florida con este nombre español; todos dirían que no lo conocen. Pero si preguntan por »Pilín Shapín«, su nombre akateko, todo el mundo maya sabría dar información sobre él.

Pilín nació en la aldea »Paiconop« (pueblo viejo) en las laderas del municipio de San Miguel Acatán, por allá en 1952 dentro del seno de una numerosa familia. Sus antepasados consideraron siempre esta área su natural »habitat«, su »región cultural de refugio«.

Al »nomás« cumplir 10 años, tuvo que viajar con sus padres a vender su fuerza de trabajo, en las plantaciones de café, algodón, caña de azúcar, ... buscando su subsistencia.

Con mucho sacrificio y paciencia lograron ahorrar un dinero, y en cooperativa con otras 30 familias *akatekas* y *q'anjobales*, pudieron comprar tierras fértiles en Ixcán, municipio de Barillas, no muy lejos de San Miguel de Acatán. San Carlos Chancolín se llamó la finca cooperativa que ellos fundaron.

Al final de la década del 70, su cosecha de café, cardamomo, banano, maíz, frijol, ... era bastante considerable.

Comenzando 1980, el gobierno militar inició una campaña contrainsurgente, con excusas de Seguridad Nacional, en contra del Movimiento Guerrillero Guatemalteco. Infortunadamente, en vez de golpear a los insurgentes, el ejército orquestó sospechosamente una violencia sin precedentes de destrucción, terror y muerte en contra de las comunidades campesinas e indígenas.

Un día, en 1981, Pilín, como era costumbre fue a visitar a su hermana »Ashul« en una finca cercana llamada »Mayaland«.

Cuando se aproximaba a ella, notó que el ejército había detenido y encerrado mucha gente dentro de la capilla local, algunas personas muy asustadas, lograban escapar, quienes en su apuro encontraron a Pilín que sin otra alternativa, huyó con ellas hacia las montañas. Desde allí con mucha angustia y dolor, observaban cómo sus familiares y amigos eran quemados vivos dentro de la capilla al mismo tiempo que otros morían »macheteados« en manos de los soldados.

Entre las víctimas se encontraba lamentablemente, la hermana de Pilín.

No muy lejos de allí, se encuentra la aldea »Nubila«, lugar donde vivía un tío de él, hacia donde se encamino después de la terrible impresión de la masacre de »Mayaland«. De pronto, al llegar se encontró de nuevo con otra desagradable sorpresa: la aldea había sido arrasada por los militares, ejecutaron a varios vecinos e incendiaron completamente todas las casas. En esta oportunidad, para la mala suerte de Pilín, también su tío había sido torturado y asesinado.

Pensando que algo semejante podría ocurrir a su familia y a los habitantes de San Carlos Chancolín, se encaminó presuroso hacia ellos para advertirles del peligro a que estaban expuestos. Sin mayor dilación se internaron dentro de la selva de Ixcán y se dirigieron a pie tratando de alcanzar el otro lado de la frontera, para asentarse en las inhóspitas junglas del Estado de Chiapas México.

Aparentemente se sintieron seguros en ese lugar, compartiendo su suerte con otros refugiados guatemaltecos que en diferentes campamentos estaban diseminados buscando protección de la terrible represión de las fuerzas de seguridad de Guatemala.

No obstante, violando leyes internacionales, el ejército »chapín«, incursionó abusiva y encarnizadamente dentro del territorio mejicano, secuestrando y sembrando terror y muerte entre los refugiados.

Pilín se dio cuenta de este peligro y también de la »Reducción« y control a que fueron sujetos por el Gobierno Mexicano a los pocos días de haber llegado. Entonces optó mejor en huir de nuevo buscando desesperadamente la tranquilidad y seguridad que aún no encontraba. El y su familia abandonaron clandestinamente los campamentos y se encaminaron a vivir en las áreas adyacentes a la ciudad de Comitán. Estando allí trataron de confundirse con el resto de la población local y buscaron pasar desapercibidos. Estrategia que funcionó eficiente y efectivamente por un largo tiempo.

Nuestros amigos con el fin de sobrevivir, se enrolaron como braceros en las fincas cañeras y cafetaleras del estado chiapaneco. El salario que recibían era insuficiente, no alcanzaban ni siquiera para cubrir sus necesidades mínimas.

A pesar de ello, con el esfuerzo conjunto de sus padres, esposa e hijos y utilizando ciertos trucos relacionados con su estatus legal, Pilín y su familia lograron comprar una parcela de tierra, donde sembraron maíz, frijol y legumbres, para subsistir como solían hacerlo ... en las montañas de Guatemala.

Ultimamente con la amenaza de **repatriación** que están pregonando las autoridades

mejicanas cuya consecuencia sería la eventual pesadilla de enfrentar la violencia de los militares y paramilitares de Guatemala, más la violencia que resultaría encontrar a personas ajenas ocupando sus tierras en »Ixcán«. Pilín entonces, tuvo que hacer una decisión bastante desesperada.

Optó por dejar a su familia en Chiapas »provisionalmente« y emprender la búsqueda de refugio en Estados Unidos.

Por su indigencia, por su condición cultural y por carecer de documentos adecuados, Pilín consideró esa empresa muy difícil y arriesgada, pero pensó que era la única alternativa que le quedaba y decididamente se preparó para ella. Cuidadosamente buscó la información adecuada, adoptó formas de expresión y actitudes de sus hermanos nativos chiapanecos y oaxaqueños y se lanzó con valentía a emprender su viaje hacia EL NORTE.

En su travesía en trenes y autobuses, también hablaba y actuaba como mejicano. Evadió a la policía judicial y a los oficiales de Migración y al final de cuentas, logró llegar a los linderos de la frontera entre Sonora y Estados Unidos.

A partir de ese momento, otros refugiados centroamericanos se unieron a él y juntos emprendieron a pie, la peor de las travesías de la jornada: la larga caminata por el desierto inhóspito del Estado de Arizona.

Después de 4 días de arduo caminar, los refugiados arribaron a las orillas de la ciudad de Chandler, cerca de Fénix. Se escondieron en un huerto de naranjas con las que calmaron su sed y hambre.

Como ya era costumbre, ese lugar se convirtió en un refugio natural desde que los conflictos en América Central empezaron por la protección de sus árboles y el alimento de sus frutos en tales situaciones de emergencia. Ese lugar se volvió tan popular para los viajantes clandestinos, que aparece como un paraíso que prácticamente salva la vida y da protección a los escuálidos refugiados que constantemente se arriesgan a entrar en Estados Unidos por el desierto.

Desde que llegaron los primeros desplazados en 1983, de vez en cuando aparecían por esos huertos, un tipo especial de transportistas con »Vans« (camionetas) de unos 15 a 20 pasajeros. Estos han operado clandestinamente llevando inmigrantes indocumentados a los campos de Florida principalmente; o en el verano, a las áreas rurales de Carolina del Norte y del Sur durante la cosecha de frutas y hortalizas.

A estos transportistas les llaman »coyotes« o »raiteros« (de ride). Cobran a cada persona entre 500 a 600 dólares.

La mayoría de la gente no tiene dinero cuando llega a este país, los »raiteros« han encontrado la forma efectiva de cobrar semanalmente a sus clientes cuando ya trabajan para un contratista agrícola. En otras palabras, »el coyote« algunos contratistas y »Landlords« (terratenientes), han formado un equipo que ha desarrollado eficientemente un sistema para explotar inmoralmente a recientes inmigrantes agrícolas indocumentados.

Esta es la forma en que Pilín llegó a Florida. Aún sigue indocumentado. El departamento de Migración no ha dado respuesta positiva a su solicitud. Está escondido en el pueblo de Immokalee sufriendo un inconfortable »shock cultural«. Sobrevive trabajando esporádicamente cosechando tomate, chile y calabazas con un »troquero« (contratista) que se arriesga a darle trabajo sin exigirle »papeles«.

En esta ocasión puede considerársele dentro de la categoría de Casta Social Marginada, semejante a la que tenía en Chiapas, igual a la situación que soportó en las plantaciones guatemaltecas...

Su destino es incierto, su futuro desesperado y lejano, exactamente en las mismas condiciones en que estuvieron sus antepasados durante el recorrido de 500 años, desde que la dinámica de su propio destino fue interrumpida abruptamente con la llegada de los españoles en este continente.

Unos rasgos de resistencia

En la primera parte de la historia de Pilín se observa la influencia de los misioneros europeos en forzar a los nativos a suplantar sus nombres autóctonos por nombres cristianos; aun así, la adopción de este sistema no se realizó completamente dentro de la cultura viva de los *akatekos, q'anjob'ales, chujes*,... Cada persona tiene un nombre nativo en su respectivo idioma, sistema propio practicado desde la más lejana época de sus antepasados.

Cuando es necesario contactar al mundo externo, estos hermanos encuentran un sinnúmero de problemas porque tienen que identificarse con sus nombres cristianos/castellanos. Esta situación ha provocado incertidumbre, confusión y hasta muerte.

Una vez, aquí en el exilio, dos hermanitas se inscribieron en la escuela elemental de Indiantown bajo un mismo nombre: María Pascual. Esta fue la traducción fiel de sus nombres akatekos »Malin« y »Malxen« que a simple vista vemos la diferencia. Los nombres nativos al castellanizarse se convierten en una repetición exagerada de ellos también. En cada comunidad de esta región, hay muchas personas que llevan el mismo nombre en castellano.

Usted amable lector tendría muchas dificultades en identificar a la gente si no conoce sus nombres autóctonos, si no conoce su ambiente, si no conoce sus costumbres,...

Este desconocimiento de parte de los extraños que han incursionado por esas regiones mayas, en parte ha ocasionado tragedias irreparables: una vez en 1982, los soldados entraron a una aldea de San Miguel de Acatán buscando a un hombre cuyo nombre de pila era Pedro Sebastián, alguien había denunciado que él era subversivo. Obviamente no se encontraba en el poblado, pero cuando el ejército preguntó por Pedro Sebastián, alguien ingenuamente, señaló a otro hombre que así se llamaba en castellano, pero no era el supuesto guerrillero que los militares buscaban. Estos, como les es característico efectúan capturas sin investigar a conciencia una persona denunciada. Cogieron y golpearon al inocente aldeano, quien era a la vez un respetado catequista católico, lo llevaron a pie al pueblo cercano de San Rafael y junto con otros akatekos fue fusilado ante los ojos atónitos del pueblo.

A pesar de todo, estos hermanos mayas continúan utilizando sus nombres nativos no importa dónde estén: Guatemala, Méjico, Estados Unidos,... Esto es un ejemplo claro de resistencia.

Sin la tierra el maya es un huérfano

Pilín, su familia y sus coterráneos, estaban obsesionados en usufructuar sus propias tierras, ese sueño se convirtió en realidad cuando lograron adquirirlas en Ixcán después de muchísimos sacrificios. Lamentablemente el sistema colonista que se vive allá, no lo ha permitido a través de sus 500 años en sus diferentes manifestaciones de opresión: invasión, despojo, esclavitud, genocidio, el servilismo de las encomiendas, los repartimientos en los pueblos de indios, los mandamientos, las aldeas modelos, los polos de desarrollo, las patrullas civiles y la militarización del país que deshizo los sueños de Pilín con la expulsión de sus tierras hacia el exilio.

Ahora, esos despojos, muerte y persecución, son de tal magnitud, que por primera vez en su historia el maya contempló la única salida que le quedaba: »El Exilio«. Para él, abandonar su tierra, su hogar, su comunidad era inconcebible. Hoy se asemeja a una planta de maíz arrancada y trasplantada lejos de su ambiente, o a un bebé arrebatado de los senos de su madre y llevado lejos para nunca más volver.

Ese es el trauma maya en los campamentos de Chiapas, en las calles y fábricas de Los

Angeles, en los »trailers« calurosos y estrechos de los campos agrícolas de Florida llenos de pesticidas, maltrato y discriminación. En las regiones frías y lejanas de los Estados del Norte incluyendo Canadá,...

La presencia maya es masiva en Florida, hay un intento de concientización. Aunque se luche por la adaptación y acomodación, necesitamos concebir una visión concreta diferente a la que adquirimos negativamente durante la pasada época de desplazamiento y asentamiento.

Ahora necesitamos promover un ciclo de reuniones serias, para expresar como individuos y como comunidad llenos de confianza y determinación, nuestros defectos y cualidades dentro de una atmósfera de crítica constructiva. Luego discutir profundamente y organizarnos. Finalmente llevar adelante una práctica de acuerdo a las decisiones en conjunto. Al ordenarnos dentro de nuestra comunidad posiblemente pretendamos la construcción de una Entidad Nacional Propia, con respeto al país anfitrión, pero con rasgos esenciales de cultura, etnicidad, idioma, arte, filosofía,...

Debemos de ser conscientes que una de las prioridades como comunidad, es nuestro estatus legal, sin él no podemos avanzar en la consecución de nuestros cometidos. Entre nosotros existe mucha inseguridad y angustia, por las eventuales apariciones de las autoridades migratorias con el fin de capturar y deportar a la gente guatemalteca.

La amnistía de la administración de Reagan en 1986 con su programa IRCA no nos ayudó mucho. Aún existimos muchos indocumentados, más los que aún están llegando de los campos de refugiados de Méjico, y de Guatemala. Todos sabemos porque el gobierno de Estados Unidos no quiere aceptar refugiados de allá.

La verdad sobre el Descubrimiento

Con el anterior relato quiero indicar que el trauma del »Descubrimiento y Conquista«, permanece como una herida abierta en el corazón del pueblo nativo del continente. Esta catástrofe antinatural, fue una combinación de una campaña militar con la introducción de epidemias y enfermedades, cuya consecuencia fue la casi extinción de los aborígenes. Tanto fue así que a esta situación violenta se le ha llamado con justa razón »El Holocausto Indígena«.

La eliminación de los nativos y la inflada ambición de los »conquistadores«, condujeron a un segundo Gran Pecado durante el proceso de la llamada »Fundación de la Civilización Occidental en el Nuevo Mundo«: **El Tráfico de Esclavos**.

Esta bochornosa actividad humana, promovió el secuestro de muchos africanos convertidos en propiedad privada por los colonizadores, diezmó y provocó la muerte de millones que siguieron la suerte de sus hermanos indígenas de este continente.

Los sobrevivientes fueron forzados a sufrir una de las formas más crueles de esclavitud nunca antes registrada en los anales históricos de la humanidad.

Las actividades que están preparando varios gobiernos y organizaciones cívicas para la celebración de la llegada de Cristóbal Colón, no revelan ni por asomo el conocimiento de la verdadera historia de este acontecimiento. Es posible que no la ignoran pero están haciéndose los desentendidos, despreciando los clamores de la gente marginada y de los nativos para que la verdad sea dicha. Se debe cambiar los objetivos de esta celebración si se desea la cicatrización y la esperanza de algo diferente.

Es una falacia decir que hay un »New World Order« (Nuevo Orden Mundial). Aún continuamos bajo el Régimen Viejo cuyas raíces económicas, políticas, filosóficas, ambientales, espirituales,... están estrecha y firmemente relacionadas con la conquista y colonización de las AMERICAS.

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El Tiempo, los Mitos y las Estrellas en la Amazonía y los Andes

Por: Tim Cloudsley

Introducción

Los orígenes de las identidades de los indígenas amerindios se remontan más allá de la conquista Española. Se encuentran en las historias prehispánicas. Para poder actuar efectivamente en este mundo de hoy, cualquier pueblo o pueblos necesitan saber quienes son; para formar el futuro los pueblos necesitan comprender y compenetrarse con su pasado. Esto es cierto de cualquier sociedad en el mundo, pero para los pueblos indígenas de América Latina es excepcionalmente crucial entender sus bases culturales en la religión y el mito. Las orientaciones espirituales de sus economías, políticas y existencia material son generalmente tan inseparables, que la una no puede ser comprendida sin la otra. La autoconciencia es cada vez más importante para los pueblos indígenas mismos, pero es igualmente importante que los diferentes grupos étnicos en un país como Perú se comprendan el uno al otro. Sólo de esta manera pueden actuar en solidaridad, y vencer las divisiones, separaciones, malentendidos mutuos y la ignorancia que restringe o reprime su capacidad de controlar sus destinos.

Es también importante que los no indígenas, las poblaciones »mestizas« comprendan y respeten a sus paisanos indígenas, hombres y mujeres; tanto para impedir su opresión como para, a través de ellos, llegar a conocer algo esencial sobre ellos mismos. Y por último, cuanto mejor comprendan los pueblos de Europa y América del Norte a los pueblos de América Latina, menos aceptarán las estructuras de dominación y explotación sobre aquellos, de las cuáles con frecuencia son parte, a sabiendas o no.

La historia cultural considerada en este artículo tiene lugar en una escala de tiempo mucho más larga que la de las historias de clase o nación por lo general. Muestra la interrelación esencial de las tres principales regiones culturales de América del Sur -la costa, los Andes y la selva- a pesar del aislamiento e ignorancia mutua que tan a menudo predominan hoy. Se apoya en un interés mío de hace tiempo en las relaciones entre ideas cosmológicas y los sistemas sociales de los cuales surgen. También refleja mi creencia de que las cosmologías de las sociedades tradicionales tienen un gran valor intrínseco. Tienen una importancia para todos nosotros – no únicamente para los pueblos que todavía viven inconscientemente entre ellas y a través de ellas. La civilización moderna tiene mucho que aprender de ellos, si es que va a lograr encontrar un modo menos alienado de existencia, y formas de economía y sociedad que sean ambientalmente »sustentables«.

Este artículo da una visión general de la historia cultural que considera. Mi única justificación para su esquematismo se apoya en mi convicción que es la selva la que a veces queremos ver, no los detalles de los árboles en particular. Son sistemas o grupos de mitos, símbolos y creencias lo que examino aquí.

Yo creo que los mitos deberían ser entendidos como envolviendo, *apoderándose* de todo el ser humano – en sus funciones cognoscitivas, intuitivas, afectivas, y sensuales. El psicólogo C. G. Jung estudió la transmisión cultural de mitos, y consideró la diversidad cultural como variaciones regionales de los arquetipos humanos universales. Es un *profundo* aprendizaje de miles de años que engendra estas identidades culturales en mitos.

Sigmund Freud vio en los mitos condensación de símbolos, transformación continua, y por excelencia, ambigüedad. La interpretación de mitos es análoga a la de los sueños, o del arte. No hay una sola versión o interpretación correcta de un mito. Como con un sueño potente, o con una gran obra de arte, un mito significativo moviliza la fuerza vital, la libido, la totalidad del ser humano que vive como parte de la cultura a la cual el mito pertenece. Los mitos son mucho más persistentes que meras ideologías percibidas cognoscitivamente. Es en términos de este tipo de idea que lo siguiente trata las cuestiones de identidad o identidades sudamericanas.

Está ampliamente aceptado que el cielo nocturno -los agrupamientos y movimientos de los cuerpos celestes- representan tal vez **el** principal objeto de una detallada observación y el estímulo primordial para la especulación (en ambos sentidos de la palabra, imaginativo y teorético) tanto para las »sociedades primitivas« como para las »civilizaciones tradicionales«. Es interesante que Aristóteles en su *Metafísica*, cuando describía la desinteresada curiosidad y el deseo de conocimiento que veía como una natural y distin-

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tiva característica humana, hizo resaltar el fenómeno del cielo, como la esfera crucial dentro de la cual, esta habilidad floreció primero(1). El cielo nocturno, representando una mitad de lo observable para una mitad de la humanidad, fue inevitablemente el lugar de »experiencia vital cósmica« que más particularmente ejercitó las primitiva capacidades humanas de asombro y cuestionamiento. Esto se debe seguramente tanto a su apariencia intrínsecamente espectacular y a su demostración, a la más inmediata e impretenciosa mirada, de regularidades y pautas en sus movimientos hasta un grado que sobrepasa largamente tanto el cielo diurno como la tierra.

Estas regularidades y pautas se evidencian, en una cercana y más exacta observación, como más y más complejas, de modos tan continuos y mentalmente intrincados, que los saltos cualitativos en su comprensión han acompañado transformaciones históricas cruciales de la sociedad humana y del conocimiento humano en general – desde la transición de sociedades nómadas cazadoras y recolectoras a sociedades complejas establecidas con clases y estados, hasta el surgimiento de civilizaciones modernas occidentales en el Renacimiento y el nacimiento de la ciencia moderna.

El trabajo de Alexander Marshak(2) y otros indican que la observación, el registro, la medición y la especulación sobre estas pautas y regularidades son por cierto tan antiguos como el genotipo humano. Los diferentes tipos de sociedades humanas que han existido en el tiempo y el espacio, han demostrado distintos niveles de sofisticación en sus observaciones, y formas específicas de explicación e interpretación de los datos observados. Pero en toda forma de sociedad, incluyendo en un nuevo sentido el mundo occidental moderno, las ideas sobre el cielo nocturno han contenido dos clases de conocimientos: por un lado, una más o menos exacta información astronómica sobre ascensos, descensos, eclipses y conjunciones, etc., y por otro lado formas míticas y cosmológicas de interpretación y explicación de todos los niveles de la realidad y experiencia. Bastante naturalmente, Aristóteles, en lo referido anteriormente, unió la observación del cielo con la especulación sobre el origen del universo.

En América del Sur, la yuxtaposición de la selva amazónica con los Andes permite la observación de las llamadas sociedades primitivas, que practicaban la caza, la pesca, la recolección y la agricultura simple, junto con civilizaciones agrícolas complejas y establecidas. Desde alrededor del 1800 AC florecieron numerosas civilizaciones como éstas en los Andes, hasta que fueron unificadas en el siglo XV DC por los *incas*. Después de la Conquista Española en el 1530, la sociedad andina retuvo su carácter interconectado en contraste con los grupos étnicos-lingüísticos de la Amazonia que han retenido sus identidades esencialmente discretas y separadas.

Ahora hay una aceptación general de la tesis de Donald Lathrap que las civilizaciones andinas tomaron forma, y se desarrollaron, a partir de una Cultura de Selva Tropical. Se piensa que entre los años 3000 y 2000 AC, hubo olas de emigración que ascendieron los diferentes ríos que fluyen de los Andes a la cuenca amazónica. Las recientes investigaciones sobre las conexiones entre la América del Sur andina prehistórica y las tierras bajas tropicales, brinda evidencia arqueológica, antropológica, lingüística y botánica para apoyar este punto de vista.(3)

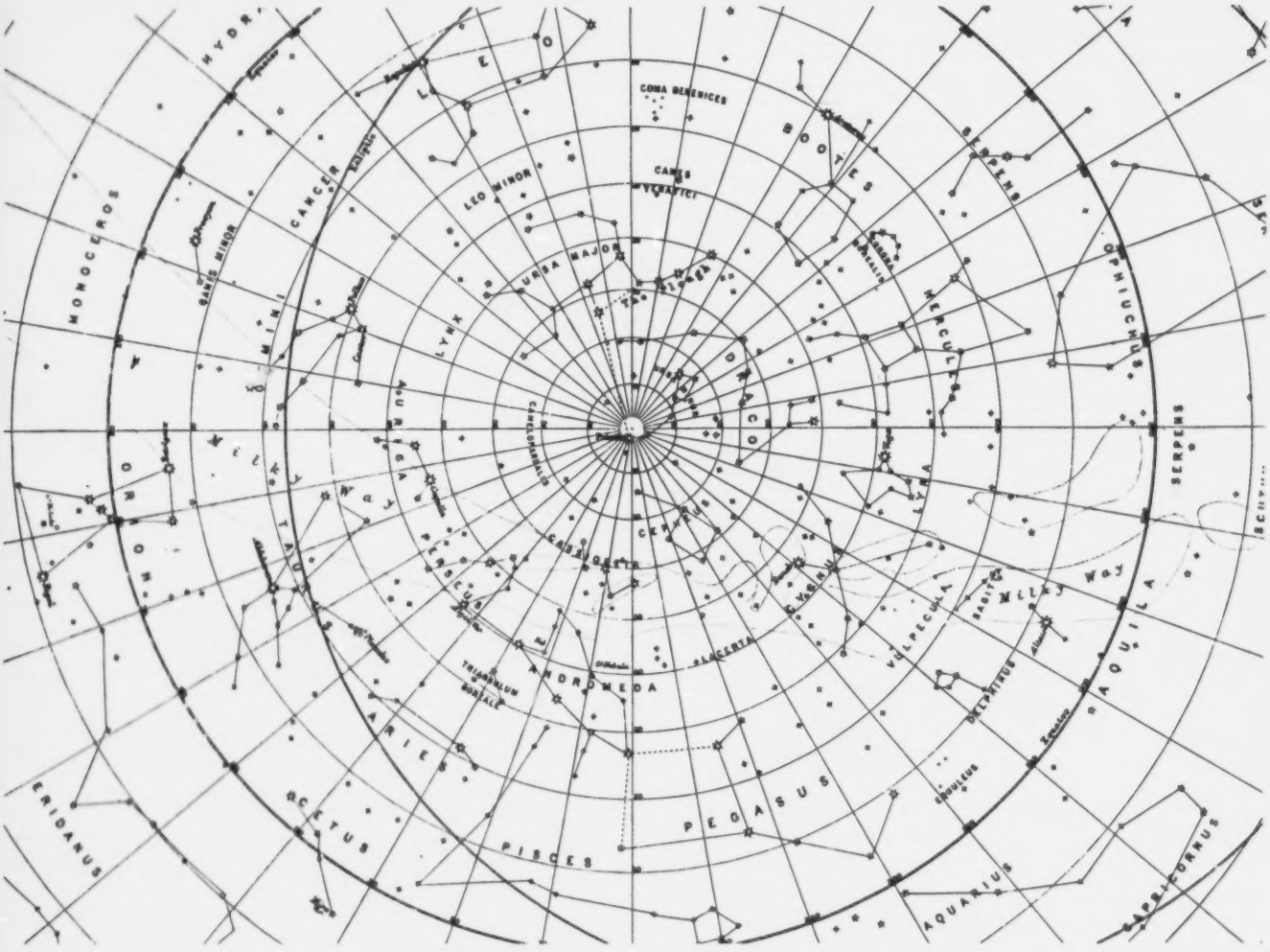
Aunque es tentador ver a las culturas nativas amazónicas históricas como descendientes de los precursores de las civilizaciones andinas, tales especulaciones están llenas de dificultades. En primer lugar, la antigua Cultura de Selva Tropical ribereña de la cual se piensa que evoluciona la civilización andina, desapareció a consecuencia de la Conquista. Las culturas contemporáneas nativas descienden de »los restos de supuestas sociedades agrícolas forzadas a un ambiente inapropiado para el patrón básico económico (anterior). Privados de los recursos fluviales, tales grupos tiene que depender del la cacería en la selva...« (4)

Si esta »involución cultural« tomó lugar en tiempos históricos o prehistóricos para grupos particulares, o no, hace difícil la suposición de cualquier semejanza con la Cultura de Selva Tropical. Además la difusión cultural desde los Andes hasta la Amazonía, del Temprano Horizonte (comenzando en 1800 DC) hasta el presente, hace que la prioridad cronológica concerniente a cualquier elemento particular cultural sea difícil de discernir. De cualquier manera, podríamos comparar el asunto con el caso de la prehistoria de la Antigüedad Europea. La mitología Clásica Griega es ahora entendida como la evolución de una fusión de la mitología minoica con la de las tribus aqueas, una vez que las últimas empezaron a crear la civilización micénica en la Grecia continental. Restos de los mitos primitivos de los antepasados griegos en las planicies euroasiáticas y de la Creta prehistórica, pueden ser detectados en la mitología de la Grecia Clásica.(5) De la misma manera formas primitivas de los mitos del Amazonas también se pueden percibir en la mitología andina.

Entre sociedades amazónicas el conocimiento astronómico con respecto a los ascensos y descensos estelares heliacos, especialmente de las constelaciones de Orión y las Pléyades, son comunes. En formas apropiadas a sociedades que practican la cacería, la pesca, la recolección y la agricultura simple, son usados para anunciar los principios y los fines de estaciones de lluvia o de sequía, los tiempos de siembra o cosecha, y la aparición o los períodos de reproducción de especies específicas de animales, pájaros, peces o plantas que en algunos casos (pero no todos) son cazados o recolectados.(6) Tal observación y conocimiento está integralmente relacionado con mitos y ritos en los que se refiere a un tiempo primigenio antes de que el mundo tomara su forma común actual. Los mitos y rituales frecuentemente celebran o permiten un »regreso eterno« a un tiempo mítico de los ancestros(7). A menudo este tiempo es concebido como previo a una inundación u otro desastre, a veces como parte de una más amplia cosmología que abarca ciclos de destrucción recurrentes, seguidos de una recreación(8). Los mitos algunas veces cuentan de cómo, en el tiempo de la primera creación original del mundo y de los ancestros, habían ocurrido algunas transgresiones -como asesinato o incesto- lo que resultó que algunos o todos los ancestros se fueron al cielo para convertirse en estrellas, constelaciones o la Vía Láctea. Por ejemplo, Edmundo Magaña(9) da los siguientes dos mitos de los indios *kaliña* (caribes) de Surinám:

1. »Origen de la constelación de *Siritjo* (las Pléyades):
»Un hombre mató a su hermano y fue al pueblo con uno de los brazos. Le dijo a la esposa de su hermano que había muerto. Empezó a vivir con ella. El alma del hombre muerto se instaló en un árbol cercano. A causa de sus gemidos, la esposa se dio cuenta de lo que realmente había sucedido. El hombre decidió matar a su esposa y a su hijo. Un día, cuando cazaba, empujó a la mujer dentro de un árbol hueco y lo tapó. El espíritu del hermano muerto se le apareció al asesino y le pidió que lo enterrara – y si lo hacía, dejaría de molestarlo. Cuando estaba enterrando el cuerpo, las entrañas se fueron al cielo y surgió Siritjo (las Pléyades).«

2. »*Pia* y *Makunaima*:
»El sol embarazó a una mujer con gemelos, *Pia* y *Makunaima*. Un día ella fue a buscar a su esposo. Llegó accidentalmente a la casa



de *Kono(bo)-aru*, la rana de lluvia, la madre del jaguar. Cuando el jaguar regresó a su casa mató a la mujer y encontró a los dos niños aún no nacidos. El decidió quedárselos. Al mes alcanzaron el tamaño de un hombre. La abuela les mandó disparar a los »powies«, diciéndoles que había sido este pájaro el que había matado a su madre. Así lo hicieron día tras día. El último de los »powies«, viendo que iba a ser matado, les contó que era el jaguar el que había matado a su madre.«

»...este es un fragmento del largo mito que termina con la transformación de *Makunaima* en la constelación de *Siritjo* (las Pléyades)... Los gemelos se convirtieron en la constelación de los Gemelos, *Pio-kanamo*, correspondiendo a Alfa y Beta del Centauro, y los »powies« la constelación de *Wokoyuman*, el Pájaro Curassow (la Cruz). El jaguar parece que se convirtió en la constelación de *Kaitusiyuman*, correspondiendo a la Corona Boreal.«

James Regan(10) relata el siguiente mito del río Napo en Perú: »Al principio del tiempo había una mujer embarazada. Su marido se había perdido. El era probablemente *Killa*, la luna. La mujer no sabía donde estaba su marido. Siguió una senda buscándolo. Ella les preguntó a sus gemelos no natos que llevaba en su vientre »¿Dónde está su papá?«. Los bebés dijeron »Está muy lejos. No sabes donde está, búscalo por esta senda«.

»Caminó y caminó hasta que se perdió. Siguiendo el sonido de alguien recogiendo leña, llegó a la Vieja Mujer de los Jaguares. »¿De dónde vienes?« ella preguntó. »Vengo de por ahí,« replicó la mujer embarazada. La Vieja Mujer Jaguar la llevó a su casa. Los jaguares jóvenes llegaron.

»¡Grrr! Se comieron entera a la mujer embarazada. Pero la Vieja Jaguar dijo: »Déjenme el estómago«. En el estómago encontró a los gemelos. Los tomó con cuidado, los lavó y los puso delicadamente en un jarro grande, protegiéndolos con algodón.

»Los gemelos crecieron rápidamente en el jarro; pronto se hicieron grandes. Cuando todos los jaguares estaban fuera, salieron. Y la Vieja Mujer Jaguar los cuidó. Cuando fueron más grandes, los hermanos decidieron matarla. »Sus hijos se comieron a nuestra madre, entonces mataremos a la suya,« dijeron.

»Decidieron atrapar a la Vieja Jaguar. Prepararon una cueva al pie de un monte, y pusieron toda clase de instrumentos musicales para hacerla entrar. Se le acercaron y le dijeron: »Te hemos hecho una casa nueva.« La Jaguar Vieja no les creyó, sospechando una trampa. Pero al final la persuadieron. Le gustó la casa. Los gemelos cantaron toda clase de canciones y la hicieron bailar muchas veces. Después la hicieron sentarse en un banco que estaba cubierto con alquitrán. Descansó. Después de un momento la trataron de levantar, pero fue inútil. Estaba pegada al banco. Los gemelos ascendieron rápidamente hacia las estrellas, y cerraron la puerta sobre la madre de todos los jaguares.

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que no se podía mover. Ella se enojó y gritó fuertemente.

»Habiendo encerrado a la madre de los jaguares, los gemelos, libres de preocupaciones, pensaron: »¿En qué nos convertiremos?« El mayor dijo: »Me convertiré en la estrella de la noche (la luna).« El menor dijo: »Me convertiré en la estrella de la mañana (Venus).« En ese tiempo había lianas para subir al cielo – como escaleras en la selva. Los dos hermanos ascendieron y se quedaron allí para siempre.«

Los *nomachiguenga* del sistema del río Pangoa en el este de Perú tienen muchos mitos en los cuales una figura malvada transforma a sus víctimas en otras formas. Un mediador interviene en nombre de las víctimas, y en la resolución, el malvado es igualmente transformado. Mary Wise(11) ha mostrado que los personajes que están juntos en estos mitos son familiares en línea paralela mientras aquellos que están uno en contra del otro son familiares cruzados. Cuando la trama se desarrolla a lo largo de un número de episodios, los personajes cambian de lado conforme a este esquema. Este un ejemplo bastante claro de los mitos reforzando normas sociales y acuerdos. Pero los mitos con respecto a las estrellas en las sociedades amazónicas, pueden generalmente ser interpretados como explicaciones y relatos de los orígenes de la organización social.

Un convincente cuadro del encadenamiento de la astronomía con el mito, y así de la actividad económica con la estructura social, es proporcionado por Magaña sobre los *kaliña* de Surinám. Un mito kaliña cuenta sobre un hermano y hermana incestuosos que se convirtieron en la luna y el sol:

»La ansiedad con la cual los eclipses lunares y solares eran observados y los rituales que le seguían pueden ser explicados por la cosmología de los *caribes*. Los fenómenos astronómicos de carácter periódico sirven como modelos sobre los cuales las relaciones sociales están diseñadas o al menos son explicadas, aplicándoles categorías de la estructura social. El sol y la luna sirven como paradigma para conceptualizar relaciones entre parientes próximos, especialmente entre categorías tales como hermano y hermana, para los cuales el casamiento o las relaciones sexuales están prohibidas, y los movimientos del sol y de la luna son vistos como los equivalentes de la manera cómo estas categorías deberían comportarse. El eclipse es, a nivel sociológico, el equivalente a un incesto, el caos y la confusión que resultaría si esto pudiera suceder, son proyectadas en el cielo: confusión entre el día y la noche, el verano y el invierno, calor y frío. Un estado similar de confusión en la estructura social ocurre cuando afines y parientes confunden sus propios papeles y ésto es (o era) de una gran importancia en regiones donde la paz es (era) mantenida por la circulación de las mujeres entre grupos amigos (el incesto es perjudicial para las alianzas ya que los priva de mujeres casaderas, intercambiables)... La única manera para resolver el inminente fin de la vida representado por el eclipse, es que el sol y la luna regresen a su trayectoria habitual... Así como el orden del cosmos es alcanzado por una dialéctica de distancias apropiadas, de oposición y complementaridad, una sociedad ordenada es lograda manteniendo entre sus categorías básicas las mismas pautas observadas en los objetos celestiales.«(12)

Magaña muestra que en Guyana las constelaciones más importantes, especialmente Orión y las Pléyades, ascienden, descienden o se encuentran sobre el meridiano al atardecer, amanecer y a media noche a diferentes horas del año solar, de tal manera que se evidencia un patrón complejo de oposiciones y complementaridades. El escribe:

»Nuestra tesis era que si los astrónomos nativos seleccionaban importantes posiciones de las estrellas dentro de un marco de oposición y complementaridad y establecían entre ellas vínculos necesarios, entonces se encontraría la misma clase de estructura en los mitos con respecto al origen de las estrellas. Esto es ciertamente lo que parece suceder. Como el sol y la luna, las constelaciones son gente exilada. *Epietembo* (Orión) era un cazador que mató y asó a su esposa, la cortó en pedazos y se la ofreció a su suegra como carne de tapir. Su cuñado lo descubrió, corrió tras él, y le cortó su pierna con un chafarote cuando el estaba tratando de subirse a su canoa o cuando estaba trepándose a un árbol. Subió al cielo llevándose su asado (*sitiryo surari*; el Cuadrado de Pegaso); su mujer se convirtió en *sirityo* (las Pléyades). En otras variantes, Epietembo mató un tapir (el amante de su esposa); su esposa se va al cielo (las Pléyades) seguida de su amante (*maipuriyuman*, la quijada de tapir, las Hades) y su esposo (Orión). Existe entonces entre Orión y las Pléyades una relación marcada por oposición... (la cual) se podría decir que sucede en junio en el cielo: el período de desaparición de las Pléyades se extiende de mediados de mayo hasta las primeras semanas de junio mientras que Orión desaparece de mediados de junio hasta las primeras semanas de julio. En los días precedentes al solsticio de verano, sólo se puede ver levantarse a las Pléyades al amanecer, mientras que Orión sólo se puede ver cuando se pone al atardecer. Estos episodios astronómicos también tienen profundas implicaciones: el tapir, seductor mítico sudamericano, amenaza, por medio del secuestro de una mujer, destruir las bases de la cultura (el matrimonio entre un tapir y una mujer conducirían a la naturaleza). Por otro lado, la relación entre *Epietembo* y su esposa no puede ser otra cosa que una necesidad: si Orión no se casa con las Pléyades (un extraño o un no pariente) solamente el incesto es dejado como posibilidad de matrimonio y ésto otra vez conduciría a la disolución de la cultura.«(13).

El siguiente mito es sobre el origen de las Pléyades:

»Siete hermanos que han regresado a su pueblo después de cazar, se enojaron con sus esposas o hermanas porque no tenían la comida lista (pan de mandioca)... (cuando) las mujeres todavía no habían regresado, los hombres se fueron al cielo... Se convirtieron en las Pléyades... hubo negligencia, desde que las esposas o hermanas y los padres no plantaron o cosecharon la mandioca a tiempo... siendo las Pléyades aparecerán para advertir que los huertos deben de ser preparados.«(14)

La conclusión de Magaña es la siguiente:

Los astrónomos caribes parecen haber desarrollado un complejo sistema astronómico basado en la observación de las posiciones relativas de las estrellas en relación al sol, otras estrellas y en conexión con las estaciones. En este sistema, las constelaciones son »significativas« cuando parecen oponerse o converger con otras constelaciones durante el año. El ascenso y puesta de las estrellas en los horizontes del este y/o oeste y cuando están en el meridiano, eran posiciones seleccionadas y después relacionadas a la puesta o ascenso de otras estrellas en el horizonte opuesto en tiempos diferentes (atardecer/amanecer etc.) La estructura estaba basada en la mitología... Los conflictos (oposición) en los cuales los personajes que después se convirtieron en constelaciones están comprometidos, tienen un equivalente astronómico en el cielo cuando las constelaciones están en posiciones opuestas (ascenso al atardecer/puesta al amanecer; ascenso durante las lluvias/puesta durante las lluvias, etc.)... El modelo básico para esta astronomía del horizonte, es el mito que narra el origen del sol y la luna: su incesto fundado en el orden cósmico y como parientes tienen relaciones marcadas por oposición y complementaridad (día/noche; frío/caliente etc.). De igual manera, la gente que se convertía en constelaciones eran exiladas en el cielo porque habían violado reglas culturales

(incesto, muerte de parientes, endocanibalismo). Los »movimientos« de las estrellas en el año representan los episodios que han ocurrido en la tierra. Cada posición significante de las estrellas, del sol y de la luna tiene profundas implicaciones simbólicas. Como el mito muestra, el sistema alcanzó un alto nivel de complejidad y estaba vinculado tanto a la economía como a la cosmología.«(15)

En las civilizaciones agrícolas complejas de los Andes, fue posible y necesario un conocimiento más preciso de los movimientos celestiales, en comparación con las culturas de la selva. Una más exacta observación y un más complejo entendimiento se hicieron posibles con la aparición de un estrato de sacerdotes-astrónomos quienes fueron liberados del trabajo productivo corriente. Este clero desarrolló sistemas simbólicos abstractos para representar, registrar y calcular ciclos de movimiento celestial, en particular las cuerdas con nudos llamadas *quipus*, textiles y también ábacos. Especialmente el vasto territorio del Imperio Inca, con su enorme extensión de diferentes zonas ecológicas y climáticas sobre la cual era practicada una agricultura reglamentada por el estado, requería un calendario más sofisticado para su coordinación. Sin embargo este calendario es, como William Sullivan lo pone »una extensión de la habilidad de organizar actividades secuencialmente por el uso de la observación astronómica... que es tan antigua como la raza humana.«(16).

La transición de una sociedad »primitiva« a una primera civilización es descrita a continuación por Jacquetta Hawkes. Los contrastes que ella hace entre sociedades neolíticas y las ciudades del Viejo Mundo, se aplican igualmente al contraste entre las culturas amazónicas y la civilización andina:

»Todas estas tendencias alentaron una teología superior, una mayor conciencia del orden en el cosmos y particularmente de los cuerpos celestiales, con los cuales el orden de civilización podría ser identificado. Sin embargo, al mismo tiempo el hombre pensaba en términos de mitos... La tremenda fuerza de la civilización prístina se invirtió en el establecimiento armónico entre el hombre, la naturaleza y la divinidad... »Aunque en otro sentido... toda divinidad se volvió más remota del hombre y la mujer común... (a causa de) el crecimiento de un clero profesional...

En los pueblos, y sin duda también en las aldeas neolíticas del Viejo Mundo, los sacerdotes tenían que cultivar su grano y su carne, mientras que todos los aldeanos representaban los ritos y bailes sagrados de las sucesivas estaciones y personificaban a los dioses cuando aparecían sobre la tierra. En las ciudades fundadas al lado del Tigris y Eufrates, Nilo e Indo, la responsabilidad de interceder con los dioses se volvió tan evidentemente onerosa que requería una completa devoción de muchos sacerdotes.«(17)

Joseph Campbell habla similarmente de »un nuevo orden de humanidad... a saber, el sacerdote de templo profesional, a tiempo completo, iniciado y estrictamente regimentado:

»La nueva inspiración de vida civilizada fue basada primero, en el descubrimiento, a

La fiesta de la Asunción en Huanoque en los Andes peruanos. Foto: Tim Cloudsley.

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través de largas y meticulosas observaciones, cuidadosamente comprobadas y vueltas a comprobar, que había aparte del sol y la luna, otras cinco esferas celestiales visibles, o apenas visibles,... que se movían en cursos establecidos, de acuerdo con leyes establecidas, a lo largo de los trayectos seguidos por el sol y la luna, entre las estrellas fijas; y segundo, en la casi insensata, juguetona, pero potencialmente terrible noción de que las leyes gobernantes de los movimientos de las siete esferas celestiales deberían de alguna manera mística ser las mismas que las que gobiernan la vida y los pensamientos del hombre en la tierra. Toda la ciudad, no solamente el área del templo, era ahora concebida como una imitación del orden cósmico en la tierra... La necesidad psicológica de conducir a las partes de una gran comunidad establecida, socialmente diferenciada, comprendiendo un número de clases sociales recién desarrolladas..., a una relación ordenada entre ellas, y simultáneamente, de sugerir el juego a través de un más alto, totalizador, omniinformante principio energético – este requisito profundamente sentido, tanto psicológica como sociológicamente, debe de haber sido realizado con el reconocimiento... de la ordenada danza en círculos de los cinco planetas visibles, del sol y la luna a través de las constelaciones del zodíaco. Este orden celestial se convierte entonces en el modelo de la humanidad en la construcción de un orden terrenal de voluntades coordinadas...

»...los mitos y rituales que han surgido de esta concepción de un orden universal... son sus agentes estructuradores, funcionando para poner al orden humano en armonía con el celestial.«(18)

El control preciso y la coordinación de los cultivos, irrigación y rituales estatales, con calendarios y astronomía en los Andes, contrasta con una más inmediata y espontánea respuesta a los eventos celestiales u otros sucesos naturales, todavía posibles en sociedades primitivas. El conocimiento astronómico se liga con un diferente tipo de mitología, la cual es ahora en parte memoria histórica, en parte la encarnación de éticas políticas estatales y también contiene elementos teóricos que Tom Zuidema describe como »científicos«, y que »no están limitados a un propósito práctico, empírico en una localidad. También expresan un interés más abstracto, más allá de la restricción del espacio local y el tiempo.«(19) No obstante, en continuidad con las características mitológicas de las culturas amazónicas, la mitología andina aún proyecta en el cielo explicaciones y reforzamiento de roles y normas sociales, como también información práctica respecto a la agricultura.

En una reciente tesis no publicada, William Sullivan ha tratado de demostrar que, en sus palabras, »el mito andino es, en un nivel, un lenguaje técnico diseñado para estudiar observaciones astronómicas de extrema complejidad y para relacionar estas observaciones con el despliegue de la vida en la tierra.«(20) Sullivan encuentra, que la información etnográfica demuestra una asociación coherente entre referencias topográficas terrestres en los mitos, con lugares específicos en la esfera celestial. En los mitos, los animales y dioses son establecidos para designar estrellas o planetas específicos. El probó los contenidos astronómicos putativos de un número de mitos en el planetario, y encontró que describían raras convergencias de específicos sucesos celestiales, en dos fechas significativas, alrededor del 200 AC y del 650 DC.

Estas dos fechas son ocasiones en las cuales, entre otros raros sucesos, la precesión de los equinoccios aseguraba que La Vía Láctea ya no ascendía hélicamente en el solsticio solar de junio. La precesión de los equinoccios es producida por un tambaleo del eje de la tierra, una rotación la cual toma aproximadamente 26 .000 años. Esto causa que las estrellas ascendientes caigan lentamente detrás del calendario solar si son observadas en un período largo de tiempo. Estas dos ocasiones fueron consideradas como destrucciones catastróficas del mundo, expresado en imágenes de inundaciones, pero también como momentos de recreación del mundo por Wiraqocha. De esta manera un conocimiento astronómico muy preciso está entretejido con una de las fundamentales ideas de la religión andina. Los mitos de la Creación también indican que en el año 200 AC Wiraqocha creó el *ayllu*, la comunidad agrícola que constituye la unidad básica de la civilización andina, mientras que en el año 650 DC Manco Capac trajo la guerra a la tierra. La evidencia arqueológica indica que la transición de la cacería y simple horticultura a la agricultura establecida y la aparición del *ayllu*, ocurrieron alrededor del año 200 AC, mientras que el colapso del Imperio Tiahuanacan alrededor del año 650 DC fue acompañado del desarrollo de la metalurgia lo que permitió una más efectiva actividad guerrera. La habilidad de los *ayllus* de vivir en armonía fue amenazada hasta que el primer imperio militar en los Andes, el Wari, pasó al frente.

Este es un cuadro muy simplificado de un sistema muy complejo de astronomía y religión, cuyo propósito ha sido el de demostrar cómo la observación celestial, los conocimientos de la historia económica y social, la aseveración del valor ético del *ayllu* y de la responsabilidad política del estado, están entrelazados y codificados en la memoria colectiva del mito.

En un artículo que compara los mitos y los ritos en la Amazonía y los Andes contemporáneos, el antropólogo Alejandro Ortiz Rescaniere considera puntos de similitud y diferencias entre las dos áreas.(21) Para Rescaniere, la oposición central entre ellos se encuentra en la preminencia del rito sobre el mito en los Andes, la cual invierte la preminencia de la palabra sobre el gesto en la Amazonía. En los Andes, las fiestas lujosas contrastan con lo que él ve como la simplicidad relativa de los mitos que las rodean. En la Amazonía en contraste, mitos ricos acompañan una esfera mucho más pobre de rituales religiosos.

La cultura Andina de hoy da esa impresión. Joseph Bastien y Richard Schaedel hacen una observación similar: »Juzgando por estudios etnológicos contemporáneos, los sistemas celestes no aparecen prominentes en el sistema simbólico andino del presente, aunque estudios anteriores indican una mayor importancia en los tiempos de la preconquista.«(22) Esto es sin duda debido al hecho que la esfera mística/cosmológica compleja de la cultura andina precolombina era en gran parte el dominio del clero, de tal manera que mucho de ésto fue fragmentado o perdido con la Conquista y después de ella. Los rituales elaborados persistieron, adaptando sus funciones económicas, políticas y religiosas, movilizadoras y autoorganidoras, del complejo sistema espacial-temporal de la civilización inca, a las nuevas condiciones coloniales. Con la deposición de la casta inca, el sistema coordinador de creencias, integral para su gobierno, fue destruido. En la medida que el sistema económico y político fue ajustado para convenir los intereses coloniales españoles, y el catolicismo fue formalmente impuesto, los lazos entre fiestas y prácticas agrícolas tradicionales se hicieron más tenues; el lazo con políticas estatales fue roto o se volvió contradictorio. Las fiestas vinieron a ser ostensiblemente asociadas con eventos del calendario cristiano, que fueron substituidos por las fechas astronómicas/religiosas precolombinas más próximas aunque en realidad se convirtieron, y aún son, signos de un ciclo anual entendido a través de una nueva religión andina que es un sincretismo de creencias precolombinas y católicas romanas.(23)

Como la cosmología precolombina se relacionaba con la integración política y terri-

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torial de la civilización andina, y afirmaba la religión tradicional, amenazaba la hegemonía española. Era por eso un objetivo de una sistemática »extirpación de idolatrías« y pareció desaparecer. Pero, como gradualmente va quedando claro, sobrevivió -desapercibida- en un mito aparentemente fantástico y fragmentario. Para Rescaniere la complementaridad y las diferencias entre los Andes y la Amazonía se apoyan en una base temática común. La ecología andina vino a condicionar a una sociedad estratificada practicando una agricultura intensiva, en la cual se desarrollaron una profusión de roles religiosos y mágicos, y una estructura compleja de ritual religioso. En contraste, la selva engendró sociedades incapaces (hasta tiempo reciente) de evolucionar más allá de la caza, la pesca y la recolección. En tales sociedades tribales mínimamente estratificadas, la existencia nómada actúa como un impedimento contra la aparición de lugares sagrados y la especialización necesaria para el desarrollo de ritos religiosos complejos.

En los Andes, los rituales reafirmaban constantemente el orden colectivo de una civilización agrícola con autoridad jerárquica, quedando la »sabiduría« del mito en gran medida como una prerrogativa del clero en las ciudades templo. En la Amazonía dispar, los grupos étnico-lingüísticos más o menos autárquicos tenían cada uno (y tienen) sus propios mitos y ritos, constantemente reinventados y trasmitidos por el shaman, cuya recia individualidad contrasta fuertemente con el »oficio« más rígidamente estructurado del sacerdote. La narración del mito del shaman permite la variedad, la unicidad en cada recuento, la novedad en cada elaboración individual. Es la contraparte religiosa de las actividades de trabajo y las interacciones sociales, las cuales tienen un carácter espontáneo y flexible en sociedades primitivas. El mito es constantemente regenerado por las visiones individuales del shaman; en su espontaneidad refleja la »suerte« del cazador. En contraste los ritos elaborados de una civilización agrícola están gobernados por un calendario estricto reflejando la necesidad de regulación precisa y control sobre cada uno de los segmentos de una sociedad compleja. Similarmente la diversidad de roles del shaman en la Amazonía refleja la carencia relativa de diferenciación social; en los Andes, en contraste, las prácticas religiosas y mágicas eran especializadas, así como se separaban más y más de otras actividades – productivas, políticas, o militares. Aunque manteniéndose entrelazadas últimamente en la totalidad social, las diferentes esferas se volvieron relativamente más autónomas. En la mitología referente a la transformación de la sociedad primitiva de caza a civilización estratificada, podemos ver la versión andina de un común »momento de solemnidad« en la historia humana. En la mitología clásica griega, la derrota de los Titanes por los dioses del Olimpo, y la resistencia de Prometeo contra Zeus, abarca esencialmente una contradicción sentida entre la inevitabilidad de la destrucción del shaman-cazador por la civilización y una sensación de arrepentimiento por la pérdida que trae consigo.(24)

Entre estas inmensas diferencias entre las culturas andinas y amazónicas, no obstante, se encuentra algo en común. Esto se puede ver en innumerables puntos, pero tomaremos un ejemplo notorio para terminar. El mito andino frecuentemente usa imágenes arquitectónicas para representar arreglos celestiales. La imagen de la casa y su derrumbe en un mito registrado por el cronista Francisco de Avila(25), puede mostrarse por contener una comprensión de como la precesión de los equinoccios causa el cambio de la posición de los solsticios solares con respecto a las estrellas fijas. El sistema completo de construcción en Cuzco es en un sentido un »diagrama« o »texto« astronómico. Uno puede ver un antecedente de ésto entre los nativos amazónicos como los *kaliña* de Surinám, quienes construyeron una »mesa« usada en la preparación de comida siguiendo la forma elaborada por las posiciones relativas de las constelaciones (Orión, las Pléyades, Pegaso, etc.), y construían sus casas sobre el modelo de Orión, con hileras de soporte correspondiendo a las líneas de los solsticios de verano e invierno y los equinoccios.(26)

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El Anuario da una visión general de los acontecimientos más importantes acaecidos durante el año relativos a los pueblos indígenas del globo US$ 10

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NOTICIAS BREVES · NOTICIAS BREVES

Los proyectos de »aprovechamiento de los productos de la selva« dañan, no ayudan, a las comunidades Indígenas.

Survival International expresa recelo sobre Body Shop y Cultural Survival.

El llamado »aprovechamiento de los productos de la selva« ha recibido mucha atención recientemente y es anunciado como de gran beneficio para la conservación de la selva y para los habitantes de la misma. Aunque no se opone a la actividad comercial en sí misma para los pueblos tribales, Survival International tiene serias reservas sobre el concepto actual de »aprovechamiento de los productos de la selva«, tanto en la teoría como en la práctica. Survival esta particularmente preocupada por la seria desviación de la atención de los problemas reales y urgentes que los pueblos tribales enfrentan hoy. En algunas circunstancias el »aprovechamiento de los productos de la selva« puede en sí mismo, ser dañino.

La actual teoría sobre el »aprovechamiento de los productos de la selva« está basada en la idea de que si se puede probar que los productos de la selva (en su mayoría frutas y nueces) son más valiosos a largo plazo que la madera, entonces los gobiernos fomentarían la conservación de la selva. Aunque esto suene como una buena idea, los pueblos tribales raramente se han beneficiado de semejantes proyectos en el pasado.

Cultural Survival y el Body Shop

La organización con base en los EEUU, Cultural Survival, apoyada por la compañía Body Shop, con base en Gran Bretaña, están trabajando en forma conjunta en varios proyectos de »aprovechamiento de los productos de la selva«, y tanto Cultural Survival como The Body Shop tienen sus propios esquemas independientes. Uno de los proyectos de Cultural Survival es la promoción del »Bocadillo de la Selva«, un »snack« conteniendo nueces de Brasil (así como varios productos no selváticos). Esto no empezó, como uno lo puede suponer, como proyectos de menor escala comprando de los indígenas locales y pagando precios justos. Las nueces eran en realidad compradas a través de distribuidores comerciales normales, no de indígenas.

Probablemente el proyecto más perfilado de Body Shop es aquel con los indígenas *kayapo* de Brasil, quienes tienen contratos para suministrar los ingredientes para los cosméticos de Body Shop. Este abril, Paulinho Paiakan, uno de los varios líderes kayapo, apareció en una conferencia de prensa en Londres para anunciar que la tribu ha acordado suministrar 6.000 litros al año de aceites naturales para usar en los acondicionadores de cabello. Como Body Shop mismo ha dicho, es primero y principalmente una compañía comercial »buscando comerciar«, una actitud que prioriza por encima de las obras de caridad. Durante algún tiempo, Survival, se ha preocupado por la manera irreflexiva en la cual Body Shop ha tratado con la tribu kayapo, especialmente como hace tres años, cuando Body Shop les pidió consejos, Survival hizo mucho hincapié en su insistencia en que cualquier intervención debería de ser tratada con gran comprensión, tacto y sensibilidad; también que los proyectos mal conducidos, particularmente los que involucran grandes sumas de dinero, podrían fácilmente conducir a una división y una alienación dentro de una comunidad.

»Ha habido una terrible inevitabilidad sobre los problemas que ahora afligen el proyecto de Body Shop y los kayapo. El proyecto ha causado grandes divisiones entre los kayapo, empeoradas por la manera en que Paiakan ha acumulado una gran riqueza personal y poder. El aprovechamiento de productos de la selva puede ser beneficioso si es propuesto y controlado por los pueblos tribales mismos, en vez de ser impuestos por intrusos con objetivos de lucro«, dijo Stephen Corry, actual Director General de Survival International.

Problemas con el »aprovechamiento de los productos de la selva«

La historia muestra que los pueblos tribales no se han beneficiado a largo plazo cuando una materia prima de la selva se vuelve valiosa para el mundo exterior. Los pueblos son explotados en su extracción y la selva es muy frecuentemente destruida para hacer lugar para cultivar solamente las plantas requeridas. Los más notorios ejemplos son: el caucho de la Amazonía, el cual causó la esclavitud y la muerte de decenas de miles de indígenas a principios de siglo; y el ratán del sureste de Asia, el cual en los últimos años se ha vuelto lo suficientemente valioso como para provocar el talado de áreas gigantescas para el cultivo de ratán, ahora cultivadas por trabajadores mal pagados – incluyendo los pueblos tribales a quiénes pertenecían antes estas tierras.

La filosofía del »aprovechamiento« dice que los problemas de los pueblos tribales pueden ser resueltos vinculándolos con los mercados internacionales occidentales, pero ignora el hecho que la demanda del producto puede fluctuar y, más aún, desplomarse. Al atraer la publicidad, estos proyectos necesitan tener una ganancia comercial, y desvían la atención del problema real. El problema real, tal como los pueblos tribales son unánimes en afirmar, es que **sus tierras y recursos deberían de serles reconocidos como propios**, como declararon en la Conferencia Cumbre de la Tierra la semana pasada:

»Mantenemos nuestros derechos inalienables a nuestras tierras y territorios, a todos nuestros recursos – por encima y por debajo – y a nuestras aguas. Afirmamos nuestra responsabilidad de entregarlos a las generaciones futuras.«

Hay varias causas de la destrucción de la selva y de los pueblos tribales pero la colonización alentada por el gobierno es la principal a largo plazo. Los proyectos de »aprovechamiento de productos« si son exitosos, pueden fomentar a **más** colonizadores a buscar ganarse la vida en la selva.

»La cuestión real es, para los pueblos tribales, el de tener derechos de propiedad adecuados sobre sus tierras, para así poder deci-

Area Kaiapó en Brasil

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dir qué es lo que sucede o no sucede en ellas. Con el aprovechamiento de los productos de la selva están puramente a la merced de la gran moda occidental. ¿Qué pasará con los indígenas cuando el »Bocadillo de la Selva« pase de moda?« dijo Fiona Watson, Agente de la Campaña de Brasil.

Lo que piensan los pueblos tribales

»No reconocemos ninguna ventaja en nuestra asociación con Cultural Survival... Su ayuda concreta... ha sido mínima y sus repercusiones negativas han sido enormes. Se ha mostrado dispuesta a ayudarnos solamente si »establece las prioridades en lugar de nosotros«. La publicidad para los proyectos de aprovechamiento de los productos confunden a la gente (en Brasil) sobre... nuestras ideas de economías autosustentables en nuestras regiones. Cultural Survival revela que el 40% de sus ganancias provenientes de la venta de los productos serían devueltas a las organizaciones de base. No hemos ... visto ninguna devolución.« Del documento »Evaluación del Proyecto de Comercialización de la Selva de Cultural Survival«, Aliança dos Povos da Floresta (Alianza los Pueblos de la Selva), Brasil, marzo, 1991.

Al final del año pasado la Confederación de Indígenas de la Cuenca Amazónica (COICA) también publicó un ataque contra la organización de EEUU, referente a su interferencia importuna en las organizaciones indígenas. (Información adicional sobre las diferencias entre las políticas de Survival International y de Cultural Survival son disponibles a solicitud).

Survival International

Survival International, por su parte, no toma posición sobre cual sería el mejor futuro para los pueblos tribales. Desde su creación en 1969, siempre ha sostenido el derecho de los pueblos tribales de decidir **ellos mismos** cómo desean vivir. Survival International no se opone a la comercialización como tal. Prácticamente todos los pueblos tribales ya venden o intercambian algunos productos localmente – y siempre lo han hecho. Sin embargo, deben de poder obtener un reembolso justo, y finalmente **ésto sólo pude ser asegurado por la propiedad y control de sus tierras y recursos**.

Fuentes: Survival for tribal peoples (Survival International), Londres, 12 de junio de 1992. ❑

Timor Oriental: Negocios pendientes

Una grave parodia de justicia se está representando en los tribunales de justicia en Indonesia, en donde se han estado realizando juicios desde febrero, a consecuencias de la masacre de Santa Cruz, en Dili, el 12 de noviembre de 1991. Mientras que a las víctimas y sobrevivientes del baño de sangre se les han dado sentencias de hasta diez y quince años, los perpetradores recibieron sentencias de un promedio de 12 meses.

Estos juicios civiles y militares son el último capítulo del plan del Presidente Suharto para suprimir la crítica que hundía a Indonesia a medida que el verdadero horror de la Masacre de Santa Cruz fue conocido en todo el mundo. Las primeras dos etapas del plan resultaron en su favor. Aunque su Comisión de Investigación fue, usando las palabras de Amnistía, »fatalmente defectuosa«, los gobiernos hicieron cola para elogiar a Indonesia por aceptar investigar la masacre aunque el principal objetivo de Suharto era el de impedir las exigencias de una comisión investigadora independiente internacional para hacer el trabajo. El Consejo Militar también cubrió bien a Suharto: al recomendar la remoción de oficiales superiores, algunos de los cuales se les había mandado a las universidades de EEUU por un período de estudio, se dio la impresión de que el Presidente estaba dispuesto a humillar al ejército para satisfacer a sus críticos extranjeros. Esto también fue visto como »alentador« y »valiente« por gobiernos interesados en volver a los negocios como de costumbre. La masacre puso en peligro el programa entero de ayuda exterior para Indonesia, lo cual era tan indeseable para los donantes como para el destinatario.

Fuentes: Tapol ❑

Panamá: Distribución de tierras crea conflicto con grupos indígenas

La entrega de títulos de propiedad a unos 2.000 campesinos que habitan tierras reclamadas por grupos indígenas como su territorio ancestral, a generado un conflicto esta semana entre el gobierno de Panamá y los indios *guaymi*.

Isidro Acosta, Presidente del Congreso General Guaymi de la provincia occidental de Veraguas, dijo que la entrega de tierras a los campesinos viola los acuerdos anteriores entre el gobierno de Panamá y los grupos indígenas.

»Esta resolución fue tomada en la oficina de la reforma agraria, tras un acuerdo interno con líderes de las etnias, en donde esas tierras serían respetadas hasta el momento en que se elabore la propuesta de reserva para los guaymi«, dijo Acosta.

Acosta acotó que la entrega de escrituras podría ser parte de un fuerte lobby contra el establecimiento de la reserva y que la decisión del gobierno se produce luego de una reunión hace dos semanas atrás, en que los líderes guaymi hablaron de los planes para continuar con la lucha por la reserva.

En ese encuentro, los campesinos que ocuparon el territorio ancestral guaymi »se negaron a formar parte de la propuesta de reserva«. Acosta dijo que unos 10.000 guaymi viven en las montañas centrales de Veraguas donde se efectuó la distribución de tierras.

Según Acosta, los oficiales están al tanto de la prohibición de otorgar escrituras en las zonas que son exigidas por los grupos étnicos como ancestrales y que la acción gubernamental »fue un golpe a la propuesta de paz para una reserva indígena y para las aspiraciones del pueblo guaymi«.

Desde 1981, unos 150.000 guaymi han instado al gobierno panameño para establecer una reserva en las provincias de Veraguas, Chiriqui y Bocas del Toro, las dos últimas localizadas junto a la frontera con Costa Rica.

Durante los últimos 13 años, los latifundistas del área bloquearon los esfuerzos para establecer la reserva guaymi. Acosta dice que la grave situación de los grupos étnicos del país llama un poco la atención sólo cuando surgen conflictos.

A comienzos de este año, unos 5.000 miembros de grupos indígenas en el este de Panamá, se levantaron en armas para expulsar alrededor de 200 familias que se habían establecido en la Reserva del Parque Nacional de Alto Bayano a comienzos de 1990. El parque, que tiene una extensión de 400.000 hectáreas, ha sido concedido a los grupos étnicos en 1974 por el gobierno panameño.

Fuente: IPS ❑

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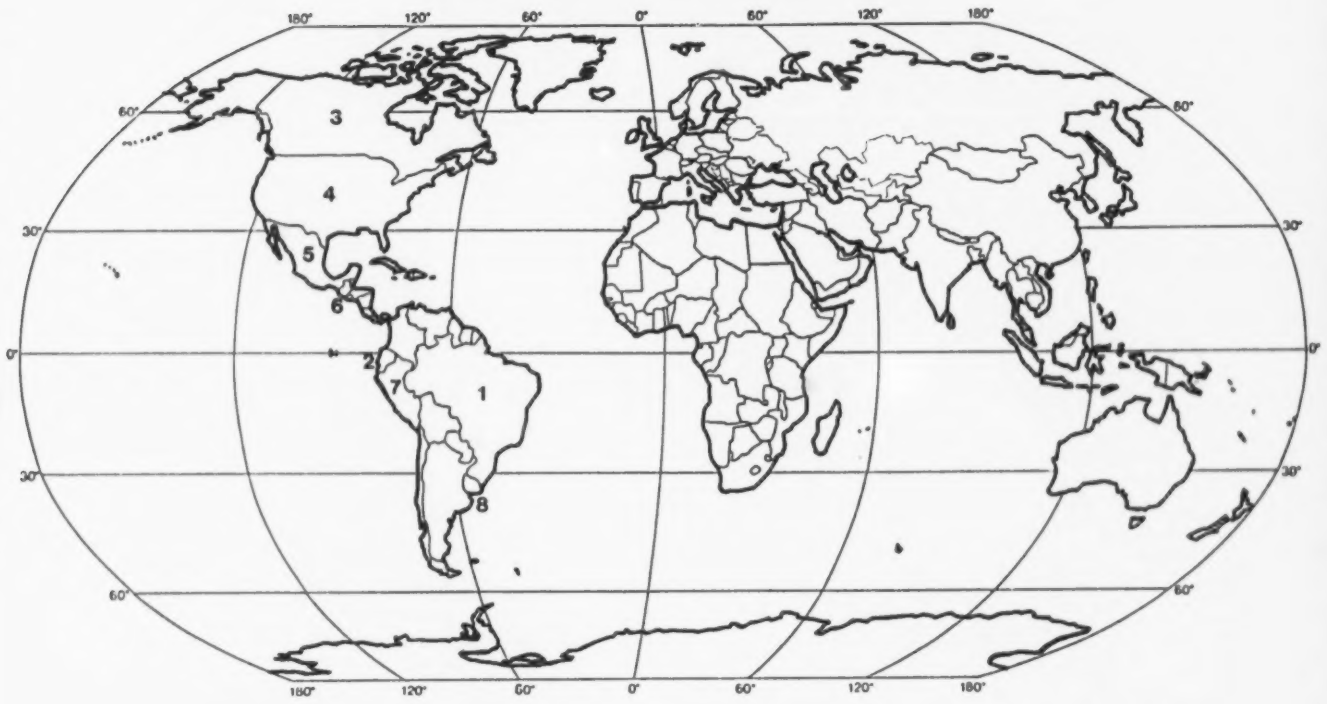

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Grupo Internacional de Trabajo sobre Asuntos Indígenas

Rigoberta Menchú
Premio Nobel de la Paz 1992

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Editorial

El otorgamiento del premio Nobel de la Paz a la líder indígena quiché Rigoberta Menchú ha provocado una inmensa alegría en el mundo indígena. Publicamos aquí el documento emitido por el comité Nobel de Noruega al dar a conocer su decisión.

En este número, como en años anteriores, publicamos una serie de declaraciones presentadas ante el Grupo de Trabajo de las Naciones Unidas sobre Poblaciones Indígenas en su 10ª reunión anual en Ginebra, en el corriente año.

La redacción de una Declaración Universal de los Derechos de los Pueblos Indígenas está ahora acelerándose, y pareciera que se realizará una lectura final de la propuesta del Grupo de Trabajo en 1993. Durante los dos últimos años los esfuerzos del Grupo de Trabajo han sido dirigidos hacia el proceso de redacción, dejando menos tiempo para la revisión de lo acontecido en todo el mundo.

Las declaraciones de la Conferencia Circumpolar Inuit, de Douglas Sanders, la Comisión de los Aborígenes de Australia y de los Isleños del Estrecho de Torres, y de Ngaati Te Ata NAILS, se refieren a los temas del proceso de redacción.

Las contribuciones de Gordon Pullar de Alaska y Vladimir Sanghi refieren a los derechos de los *ainu* de las islas Kuriles, que son reclamadas tanto por Rusia como por Japón.

La política general de IWGIA es dar prioridad a las declaraciones presentadas por los mismos pueblos indígenas. Este año hemos escogido incluir algunas respuestas gubernamentales a las ponencias indígenas sobre la situación en Birmania y en Chittagong Hill Tracts (Bangladesh). De todos modos, el escuchar las declaraciones de los representantes gubernamentales de países como Birmania y Bangladesh es ilustrativo de cómo estos gobiernos subestiman a las minorías étnicas. El lenguaje utilizado está lejos de la corrección que la mayoría de la gente piensa que caracteriza a las negociaciones de las Naciones Unidas; pero la rudeza sólo refleja la realidad: que los pueblos indígenas tanto de Birmania como de Bangladesh están sufriendo etnocidio y genocidio.

Algunas veces uno siente estar en un teatro absurdo, como cuando el representante del gobierno de Bangladesh se opone a la idea de una investigación sobre las afirmaciones de violaciones de derechos humanos, ya que »uno no se debería sorprender que algún día se encuentre un Informante Especial debajo de cada cama nupcial«.

Andrew Gray ha reflexionado sobre las extrañas actuaciones que toman lugar en la sala circular de Ginebra cada verano. Publicamos aquí su contribución como el documento final del encuentro de este año en el Grupo de Trabajo.

Mientras tanto en Filipinas, el pueblo *lumad* de Mindanao continúa resistiendo a la construcción de la planta geotérmica en el Monte Apo por ser su sitio sagrado y una de las principales reservas ecológicas del sur de Asia.

En el triángulo de oro de Tailandia, los indígenas se ven afectados por una serie de proyectos experimentales para suplantar los cultivos de opio.

En Australia, la Corte Suprema de Justicia reconoció los derechos de los *aborígenes* y de los *isleños* del Estrecho de Torres sobre sus territorios tradicionales. De todos modos el artículo que aquí presentamos considera que la concepción legal australiana no toma en cuenta el sistema tradicional indígena de tenencia de la tierra.

En la región de Labrador (Canadá) los *innu* continúan preocupados por la destrucción de sus bosques en manos de compañías madereras. Para revertir este proceso, la nación innu ha iniciado un programa de manejo y administración de los recursos forestales.

La epidemia de cólera originada en Perú en 1991 continúa cobrando víctimas. Aquí presentamos un estudio sobre la situación de la epidemia en Argentina, que a afectado principalmente a los indígenas de la provincia de Salta.

En junio de este año, representantes de más de cien naciones indígenas de los cinco continentes, eligieron la conferencia mundial sobre medio ambiente en Río de Janeiro para celebrar sus propias reuniones y participar en la UNCED como pueblos indígenas y naciones. Teresa Aparicio analiza la labor desarrollada por los indígenas junto a la conferencia, al mismo tiempo que presentamos la declaración de Kari-Oca, elaborada por los mismos para aquella ocasión. ❑

Jens Dahl
Alejandro Parellada

Portada: *Rigoberta Menchú. Dibujo: Naja Abelsen.*

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Rigoberta Menchú, Premio Nobel de la Paz 1992

Cuando Adolfo Pérez Esquivel oficializó la candidatura(*) de Rigoberta Menchú ante el comité Nobel sostenía que concediéndole este reconocido galardón »se haría justicia a todo un continente«.

IWGIA se une al júbilo de los guatemaltecos y de todo el continente americano por este justo y merecido reconocimiento internacional de la lucha de Rigoberta Menchú Tum, por el derecho a la verdad, a la justicia, a la identidad y a la vida de las culturas y de los pueblos indígenas de todo el mundo. En los foros internacionales Rigoberta ha sido una voz incansable en la denuncia de las injusticias contra su pueblo guatemalteco y en particular contra los pueblos indígenas de su país y de todo el continente americano.

Su vida es un testimonio, es la vida de una mujer indígena que sabe del dolor y sufrimiento, que ha sido testigo sobreviviente del genocidio del que han sido víctimas su comunidad y su familia, pero que a pesar de todo no ha claudicado y muestra al mundo lo que es la dignidad y la lucha por la libertad de su pueblo.

Al anunciar su decisión el comité Nobel destacó que la galardonada »es un vivo símbolo de paz y reconciliación a pesar de las divisiones étnicas, culturales y sociales de su país, del continente americano y del mundo«, y puntualiza que ella »trabaja en favor de la justicia social y la reconciliación étnico cultural que se basa en el respeto a los derechos de los pueblos indígenas«.

Según Rigoberta el Premio Nobel servirá ante todo para derrumbar el »muro de silencio« levantado en torno a Guatemala, que cuenta con unas 100.000 personas muertas en 30 años de guerra civil, 45 mil desaparecidos, más de un millón de desplazados, decenas de miles de viudas y huérfanos, miles víctimas de la represión y la impunidad, en donde el anhelo de paz ha sucumbido sistemáticamente ante el poder militar y oligárquico que maneja el país.

Ha dicho también que será un »estímulo para la lucha de los pueblos indígenas del continente por la justicia, por la tierra, por la identidad, por el idioma, por todo lo que constituyen nuestros valores culturales; un estímulo para que el Año Internacional de los pueblos indígenas tome fuerza, para que logremos conseguir la Declaración Universal de los Derechos de los Pueblos Indios que estamos impulsando en la ONU«.

(*) Publicada en IWGIA Newsletter/Boletín N°2 1992

El Comité Nobel dio a publicidad, la siguiente declaración:

Premio Nobel de la Paz 1992

El Comité Nobel Noruego ha decidido que el Premio Nobel de la Paz 1992, será otorgado a Rigoberta Menchú, de Guatemala, por su trabajo en aras de la justicia social y la reconciliación etnocultural, basados en el respeto de los derechos de los pueblos indígenas.

Como muchos otros países de América Central y del Sur, Guatemala se ha visto caracterizada por grandes tensiones entre los descendientes de los inmigrantes europeos y los pueblos indígenas. En las décadas de 1970 y 1980, estas tensiones condujeron a abusos masivos contra la población indígena. Menchú se ha destacado como una portavoz central de los derechos de los pueblos indígenas.

Rigoberta Menchú creció en la pobreza económica, en una familia que experimentó, en forma brutal, la represión y la persecución. En su trabajo social y político siempre ha tomado en consideración que el objetivo de la lucha, a largo plazo, es la paz.

Rigoberta Menchú se destaca hoy como un fuerte símbolo de la paz y la reconciliación a través de las diferencias étnicas, culturales y sociales de su propio país, del continente americano y de todo el mundo.

En ocasión del otorgamiento del Premio de la Paz, el gobierno noruego ha emitido esta declaración:

El Gobierno noruego recibe con satisfacción la decisión del Comité Nobel de otorgar el Premio Nobel de la Paz 1992, a Rigoberta Menchú de Guatemala.

Menchú ha realizado, durante muchos años, un trabajo incansable para enfocar la atención sobre la situación de los derechos humanos en su tierra natal, y por el derecho y la igualdad de los pueblos indígenas. Los trágicos ataques a sus seres más próximos, no la han hecho abandonar esta tarea.

Es también el significado de los ideales por los cuales ella lucha, y la valentía y la perseverancia en la lucha por los derechos humanos, que la han hecho merecedora de este premio.

Informes y Declaraciones del Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

10ª Sesión

GINEBRA 1992

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Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

Chittagong Hill Tracts, Bangladesh

Declaración de IWGIA y Anti-Slavery International

Por: Douglas Sanders

Chittagong Hill Tracts

Esta intervención, a nombre del Grupo Internacional de Trabajo sobre Asuntos Indígenas-IWGIA y Anti-Slavery International, se ocupa de la actual situación en Chittagong Hill Tracts, Bangladesh. Yo fui co-director de la Comisión de Chittagong Hill Tracts, la cual visitó el área con la cooperación del gobierno de Bangladesh, en diciembre de 1990. Publicamos un informe en mayo de 1991, y una actualización del mismo en marzo de 1992.

Mientras que Bangladesh tiene una gran mayoría *bengalí*, la zona montañosa constituye el hogar tradicional de una serie de pueblos montañeses distintos, quienes difieren racial, religiosa y económicamente de los pueblos de las otras partes del país. Tal como en otras partes del subcontinente, las tierras de los pueblos montañeses fueron protegidas, durante la época colonial, de los colonos extranjeros. Esa protección continuó en práctica hasta después de la descolonización.

Dos acontecimientos importantes cimentaron los actuales disturbios en Chittagong Hill Tracts. En 1960 el proyecto hidroeléctrico Kaptai desarraigó a un tercio de la población tribal, inundando una gran área de rica tierras agrícolas del valle. Las compensaciones e indemnizaciones fueron completamente inadecuadas, algo que no es ahora controvertido por los funcionarios civiles y militares de Bangladesh.

Además de la importante desorganización causada por la represa de Kaptai, el gobierno nacional promovió una política de transmigración, bajo la cual se otorgó a los colonos bengalíes tierras y otro tipo de ayuda para reinstalarse en Hill Tracts. Este reasentamiento promovido por el gobierno, creó una directa competencia territorial entre los colonos bengalíes y los pueblos montañeses.

Solía ser común que los representantes gubernamentales de Bangladesh describieran a los pueblos montañeses como nómadas, agricultores »swidden« (limpieza y quema de tierras), sin normas establecidas de posesión de la tierra. Habiendo oído tales declaraciones oficiales, me sorprendió descubrir que las tierras de los pueblos montañeses habían sido extensamente documentadas de acuerdo a las leyes vigentes de Bangladesh. Tenían los mismos tipos de títulos de tierras que otros ciudadanos, de sus casas, huertas, campos arroceros e incluso, a veces, de las áreas »swidden«.

Quedaba claro que la colonización bengalí no había sido restringida a tierras vacantes, sino que había desplazado derechos territoriales establecidos de los pueblos montañeses. Estos pueblos estaban perdiendo tierras que podían ser reivindicadas de acuerdo a la ley de Bangladesh, a los derechos tradicionales y las previsiones de la Convención 107 de la OIT, de la cual Bangladesh es firmante.

Tal desplazamiento no podía tener lugar en forma pacífica. Comenzaron a aparecer informes de ataques de militares y colonos contra los pueblos montañeses y sus aldeas. Los pueblos montañeses crearon un grupo de resistencia armada, los Shanti Bahini y un partido político, JSS.

La respuesta del gobierno de Bangladesh fue la creciente militarización del área. Cuando mi comisión visitó CHT en diciembre de 1990, la militarización del área era increíblemente extensa. Funcionarios militares nos contaron su papel en el desarrollo económico, distribución de la ayuda, construcción de infraestructura – incluyendo caminos y escuelas -, trabajo de caridad, y hasta el arreglo de disputas de tierras (para lo cual no tenían autoridad formal según la ley de Bangladesh). Por todos lados había campamentos militares y puestos de control. Contamos más de 20 puestos de control durante un viaje de 20 minutos en un camino al norte de Khagrachari. Todos los caminos estaban bajo toque de queda militar de las 5 p.m. hasta las 10 a.m.

Los líderes militares estaban bien entrenados y hablaban excelente inglés. Nos hospedaron, nos dieron regalos y describieron su entrenamiento en contrainsurgencia. Habían estudiado las estrategias del Reino Unido en Malasia y de los Estados Unidos en Vietnam.

La violencia en Chittagong Hill Tracts ha producido una población de refugiados de más de 50.000 personas en el estado hindú de Tripura. Los pueblos montañeses sufrieron una serie de ataques, por parte de los milita-

res o los colonos, seguido por ataques de represalia. Estos modelos fueron descritos en informes periódicos de Amnistía Internacional, de IWGIA, de Anti-Slavery, y otras organizaciones no gubernamentales.

Se nos informó por parte de oficiales militares de CHT que ahora eran capaces de impedir las represalias. Una importante parte de su estrategia incluía la reubicación forzada de los pueblos montañeses en »aldeas de agrupamiento«. Un proyecto de plantación de caucho financiado por el Banco de Desarrollo Asiático se engranaba con esta estrategia, pues implicaba la reubicación de los pueblos montañeses de sus tierras tradicionales a nuevos asentamientos. Se me informó que la financiación del BDA a este proyecto había finalizado el año pasado. Los colonos bengalíes fueron también reubicados frecuentemente en aldeas de asentamiento para su protección y control.

El gobierno tiene una serie de nuevas políticas:

1. Se prohibieron futuros asentamientos de colonos en las montañas por medio del control de la legitimidad de los títulos de tierras, una clara revisión de la política gubernamental.
2. Tres consejos montañeses fueron establecidos en nombre de la autonomía. Eran distintos de otros consejos de gobierno local de Bangladesh, en la medida que (a) eran electos, (b) tenían representación específica, con una mayoría tribal en cada consejo, y (c) tenían más autoridad de los consejos de gobierno local en otras partes de Bangladesh.
3. El ejército tenía como objetivo impedir ataques de represalias, para aislar a los Shanti Bahini como los únicos agentes de la violencia en CHT.

La declarada política de impedir ataques por parte del ejército y los colonos ha fallado. Los ataques y matanzas se han sucedido en forma esporádica. El incidente reciente más importante ocurrió en la aldea de Logang el 10 de abril de 1992. De acuerdo a Amnistía Internacional, los informes indican que varios cientos de montañeses fueron muertos. Nuestras fuentes confirman estas cifras. Amnistía describe el ataque aparentemente como una represalia por la muerte de un joven bengalí por los Shanti Bahini. El gobierno de Bangladesh ha nombrado al Juez Sultan Hassain Khan para la investigación del incidente. En dos ocasiones previas el gobierno ha ordenado investigaciones con respecto a los incidentes más importantes de matanzas – los incidentes de Kaukali y Longadu de 1980 y 1989. Los informes de

Refugiados de Chittagong Hill Tracts.
Foto: Archivos de IWGIA

estas investigaciones nunca han sido hechos públicos a pesar de las repetidas demandas. Tal secreto parece confirmar las versiones de los pueblos montañeses sobre los acontecimientos.

Hace tres semanas hubo otro incidente. De acuerdo a nuevos informes, cuatro funcionarios de seguridad fueron muertos por los Shanti Bahini.

El Primer Ministro Khaleda Zia ha dicho que está más en favor de una solución política que de una solución militar. Nombró un comité de nueve miembros para tratar la cuestión. Están excluidos del comité los miembros parlamentarios electos de Chittagong Hill Tracts. Esos tres individuos no son miembros de su partido político.

Un informe del periódico Guardian, del 4 de agosto, afirma que los Shanti Bahini han rechazado todas las ofertas previas para resolver el conflicto, insistiendo de que las tropas deben ser retiradas del área antes de que las conversaciones puedan comenzar. Esta afirmación es incorrecta. Han habido reuniones en el pasado, que están documentadas en nuestro informe, y el JSS ha continuado llamando a la reiniciación de las negociaciones.

La declaración del Primer Ministro Khaleda Zia y el establecimiento de un comité puede parecer algo positivo. Pero estoy dolorosamente consciente de que el Presidente Ershad dijo también públicamente que favorecía una solución política. Estoy dolorosamente consciente de la historia de que la OIT sugirió repetidamente al gobierno de Bangladesh que al menos estableciera un comité interministerial para coordinar y asesorar las políticas relativas a CHT. Estoy dolorosamente consciente del comité a alto nivel que condujo negociaciones con el JSS, pero que interrumpió el proceso rápidamente, optando en cambio por un acuerdo con un segmento de los pueblos montañeses y la pronta promulgación de las leyes del Consejo de la Montaña.

Me temo que nada parece haber cambiado.

¿Qué se debería hacer?

1. Hay que desmilitarizar Chittagong Hill Tracts. El gobierno debe tomar con seriedad el objetivo declarado de una solución política, no militar. Como un primer paso obvio, las funciones no militares, tales como el desarrollo económico, deben ser devueltas a las autoridades no militares.
2. La cuestión de los títulos de tierra en CHT debe ser encarada por un cuerpo experto e imparcial. Los refugiados no retornarán a Hill Tracts desde la India a menos que se puedan restablecer en sus tierras tradicionales. Los colonos bengalíes serán desplazados en este proceso, pues muchas familias están viviendo en tierras robadas. Se debería brindar ayuda externa para la rehabilitación de aquellas familias colonas, para que estos problemas puedan ser resueltos.
3. CHT debe tener suficiente autonomía dentro de Bangladesh. Hay una disputa de si esto implica uno o tres consejos montañeses. Pero no puede haber discusión que la autonomía requiere mayores poderes que los que han sido encarados por los Consejos Montañeses hasta el momento.
4. Debe haber un control internacional sobre la situación. Hacemos un nuevo llamado por un informante especial para que controle la situación en Chittagong Hill Tracts.

Bangladesh es un país pobre, que ha sufrido frecuentemente desastres naturales. Pero el pueblo de Bangladesh goza de un alto espíritu, son animados y enérgicos. La violencia continua en Chittagong Hill Tracts es una gran tragedia. Bangladesh necesita encarar la situación en forma honesta y directa. Los habitantes de Bangladesh no se pueden esconder detrás de su pobreza y sus otros problemas cuando la evidencia es clara acerca de la opresión y la violencia dirigida contra los pueblos montañeses. ❑

Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

Párrafo Operativo 17 (Proyectos de Desarrollo) y Autodeterminación

Intervenciones de Douglas Sanders

Jueves 23 de julio, Intervención sobre la redacción del Párrafo Operativo 17 sobre Proyectos de Desarrollo de Recursos.
Hemos tenido una considerable experiencia concreta con los asuntos de proyectos de recursos a gran escala en los últimos treinta años. Tales proyectos han resultado en importantes discusiones en todas partes del mundo. Las discusiones han demostrado concretamente que tales asuntos no pueden ser satisfactoriamente resueltos de una manera unilateral.

Cuando la Comisión de Chittagong Hill Tracts visitó Bangladesh en diciembre de 1990, nos fue dicho repetidamente por funcionarios civiles y militares, que los problemas que enfrentaban en Hill Tracts, incluyendo la insurgencia armada, podrían ser remontados al proyecto de la Presa de Kaptai de 1960, la cual ha inundado las mejores tierras agrícolas de los pueblos de la montaña y desplazado un tercio de la población tribal. Los programas de indemnización y rehabilitación han sido inadecuados e incompletos. Hubo un reconocimiento claro de los funcionarios del gobierno, treinta años después del proyecto, de que Bangladesh aún estaba viviendo con las consecuencias serias de la imposición unilateral del proyecto, el cual fue hecho en beneficio de las áreas bengalíes a expensas del pueblo de la montaña.

Me fue dicho, de una manera similar, que la Primer Ministro Bruntland de Noruega, ha recientemente reconocido que, retrospectivamente, el proyecto de la presa hidroeléctrica de Alta ha sido innecesario. Esta revaluación viene mucho después del severo impacto de la inundación sobre la economía tradicional de cría de reno, de una sección importante de la población saami.

Hay tantos ejemplos. En la India a principios de los ochenta, un proyecto mayor de silvicultura, financiado por el Banco Mundial, fue interrumpido por una militante oposición tribal, para gran vergüenza del gobierno nacional y del Banco Mundial. Tampoco tomaron adecuadamente en cuenta los intereses de la gente local para su planeamiento. El fracaso del proyecto, que está ahora bien documentado, así como la experiencia en áreas indias en Brasil, llevó al Banco Mundial a revaluar sus políticas y publicar una declaración a principios de los ochenta, para dirigir la financiación de proyectos en áreas de poblaciones tribales. Los problemas continúan. En 1991, el Banco Mundial comisionó al anterior juez Thomas Berger de Canadá, para hacer una investigación del proyecto hidroeléctrico del Valle de Narmada en la India. El proyecto es en parte financiado por el Banco Mundial y desplazará grandes poblaciones tribales.

La primera delegación aborigen de Australia vino a Ginebra a finales de los años setenta, antes de que este grupo de trabajo se estableciera, para protestar acerca de la explotación de tierra sagrada en el oeste de Australia. El primer litigio moderno sobre derechos aborígenes en Australia, fue resultado de la imposición de un permiso de explotación de bauxita en las reservas de tierras aborígenes, en el Territorio del Norte. La legislación de derechos de tierra del Territorio del Norte, que vino después del litigio, otorgó a los dueños aborígenes un veto sobre la explotación minera de sus tierras, con provisiones de que tal veto podría ser anulado por una decisión especial del gobierno nacional. Estas provisiones reconocieron que el consentimiento aborigen deberá siempre ser un requerimiento para la explotación minera en sus tierras.

Como la Presidencia recordará, en mi trabajo para el Seminario de Ginebra sobre Relaciones entre Pueblos Indígenas y Estados en 1989, anoté que los pueblos indígenas estaban, en ese momento, comprometidos en bloqueos de caminos en protesta de las prácticas madereras en Sarawak, en Malasia, y en la Provincia de Columbia Británica, en Canadá, donde yo vivo. En Columbia Británica ha habido aproximadamente cinco interdicciones otorgadas por la corte, deteniendo proyectos madereros en espera de la resolución de la reivindicación de tierras indígenas.

Estos eventos indican la necesidad de procesos mutuamente satisfactorios. Hago estas declaraciones en apoyo a otros comentarios de otros oradores, de que el simple requerimiento de consulta en la redacción del párrafo operativo 17, es inadecuado. La experiencia concreta en muchos estados, indica que debería de haber negociaciones reales, con el propósito de lograr acuerdos.

En cuanto a ésto, debería de haber una exacta evaluación de los costos y beneficios relativos. Proyectos como los de la Bahía de James, al norte de Quebec, y en Chittagong Hill Tracts, fueron diseñados para beneficiar otros sectores de la población nacional, no a los pueblos tribales viviendo en el área del proyecto, quienes simplemente cargan con los costos sociales y económicos. La Presa de Kaptai era para suministrar energía a las áreas llanas de Bangladesh, particularmente la capital, Dhaka. El proyecto de la Bahía de James era para suministrar energía al sur de Quebec y para la exportación.

La evaluación de costos y beneficios relativos no debe ser limitada simplemente a factores económicos. Una evaluación competente debe tomar en consideración los derechos establecidos en esta declaración, particularmente el derecho de los pueblos indígenas, como pueblos distintos, a sobrevivir y desarrollar sus culturas y economías.

La meta es claramente lograr un acuerdo. Un acuerdo real será solamente posible si hay beneficios mutuos. Sin consentimiento, un proyecto importante puede llevar a pro-

blemas sociales, económicos y políticos por generaciones. Esa es una lección clara de proyectos como la presa de Kaptai y el proyecto de la Bahía de James.

Gracias Señora Presidente.

Viernes 24 de julio, intervención sobre el párrafo operativo preliminar 1 sobre autodeterminación.

El estatuto de la Corte Internacional de Justicia identifica las opiniones de los eruditos destacados, como una de las fuentes del derecho internacional. Otra fuente es encontrada en la práctica del estado.

En términos de práctica del estado, parece haber un amplio reconocimiento ahora del concepto de autonomía o autogobierno para pueblos indígenas dentro de los estados. Queda, sin embargo, una preocupación considerable con respecto a la terminología y ciertas paradojas y confusión en la discusión.

Mientras el distinguido representante de los Estados Unidos, a principios de la semana, expresó preocupación por el uso de »autodeterminación«, ese término ha sido la descripción oficial principal de la política india de los Estados Unidos, desde la declaración del Presidente Nixon de 1972. El distinguido representante de Canadá, en estas reuniones, expresó preocupación sobre el uso del término »pueblos« en la declaración preliminar, anotando al mismo tiempo que era de hecho usado en la Constitución de Canadá (en la sección 35, la cual se refiere a los derechos y tratados aborígenes existentes de »los Pueblos Aborígenes de Canadá«).

En otoño de 1991, los pueblos indígenas insistieron que la constitución reconociera el autogobierno como un derecho »inherente« de los Pueblos Aborígenes de Canadá. El Ministro de Justicia y el Ministro de Asuntos Constitucionales, en importantes discursos, ambos expresaron oposición al término »inherente« en base a que tenía implicaciones inaceptables en el derecho internacional. Este era claramente una preocupación lingüística que puede sugerir un derecho de secesión, una preocupación arraigada en los intereses canadienses con respecto al nacionalismo de Quebec. Los expertos en derecho internacional en Canadá, quienes comentaron públicamente el asunto, encontraron que las objeciones del gobierno eran imaginarias. (Yo no fui uno de los académicos que comentaron este asunto públicamente). En enero el gobierno canadiense indicó que estaba preparado para aceptar una referencia a un »derecho inherente«, siempre y cuando fuera descrito como un derecho a »autogobierno dentro de Canadá«.

Estos ejemplos demuestran acuerdo en la política de autogobierno, pero también algunos problemas continuos con los términos a ser usados para describir o justificar el autogobierno, tanto en el contexto del derecho doméstico y el internacional.

Si examinamos los escritos de los expertos eminentes de derecho internacional sobre la cuestión si »autodeterminación« se aplica a pueblos indígenas, poblaciones o grupos, parece haber cuatro posiciones que han sido tomadas.

(1) Los pueblos indígenas tienen un derecho de autodeterminación como un desarrollo más de la ley internacional sobre descolonización. El contexto de descolonización es apropiado porque la situación de los pueblos indígenas surge a causa del colonialismo o la expansión estatal. En el contexto de descolonización de territorios extranjeros, los pueblos pueden escoger independencia soberana. En el contexto de pueblos ubicados geográficamente dentro de estados existentes, el derecho no incluirá, o al menos no normalmente, un derecho a escoger la independencia. Tales pueblos tendrán un derecho para escoger autonomía o autogobierno. Esto refleja la idea de un equilibrio adicional del derecho de autodeterminación y el principio de la integridad territorial de los estados, un enfoque apuntado en la declaración del distinguido representante de Australia.

(2) Los pueblos indígenas tienen un derecho a lo que ahora llamamos frecuentemente »autodeterminación interna«. Este concepto requiere que el estado sea democrático y que los grupos particulares tengan participación real en la vida del estado dentro del cual viven. En la mayoría de las situaciones, los pueblos indígenas y las minorías culturales territoriales son vulnerables en estados con estructuras estatales unitarias o centralizadas. Solamente pueden obtener una participación significativa, si el estado reconoce su propio pluralismo y acuerda una medida adecuada de autonomía o autogobierno. Otra vez aquí, el representante de Australia describe esta posición.

(3) Los pueblos indígenas deberían de ser vistos como minorías culturales, con derecho a sobrevivir y desarrollarse como pueblos distintos. Esto requiere, otra vez, como realidad práctica, una estructura de estado descentralizado, la cual permita autonomía o autogobierno para los pueblos indígenas.

(4) La cuarta posición combina elementos de las primeras tres posiciones. Los pueblos indígenas tienen derecho a una descolonización interna y una autodeterminación interna, así como los derechos de minorías culturales. Como resultado de todos estos grupos de derechos, los pueblos indígenas tienen el derecho de autogobierno o autonomía dentro de los estados.

La Profesora Higgings, distinguido miembro británico del Comité de Derechos Humanos, apoyó la posición número dos en una conversación, aquí en el Palais, esta semana. Vio el término »autodeterminación interna« como aplicable. El Profesor Falk, de la Universidad de Princeton, en los Estados Unidos, apoya la primera posición. El Profesor Brownlee, de la Universidad de Oxford, en el Reino Unido, apoya la cuarta posición.

Creo que es destacable que los tres académicos están de acuerdo con la conclusión de autogobierno o autonomía. Pienso que también es destacable que hay un acuerdo general entre los expertos en derecho internacional, en que los pueblos indígenas no tienen normalmente un derecho de secesión, aunque casos excepcionales son concedidos por la mayoría, incluyendo al Profesor Higgins.

Con estos conocimientos, es mi opinión que el término »autodeterminación« puede ser usado en relación con pueblos indígenas. Aplicaría igualmente a pueblos indígenas como a otros pueblos, como el Profesor Barsh argumentó esta tarde. Aplicaría igualmente, pero las condiciones especiales de los pueblos indígenas significarían que el resultado de la aplicación del principio serían derechos al autogobierno o autonomía dentro estados existentes.

Existen, sin duda, algunos representantes indígenas que tienen diferentes intenciones, tal vez intenciones ocultas, en el uso de la terminología. Igualmente algunos gobiernos tienen intenciones ocultas o domésticas, en su oposición al uso del término. No debería permitirse a esas realidades confundirnos en este trabajo.

En mis escritos, generalmente he apoyado la primera posición que describí. Favorezco esa posición porque reconoce el proceso histórico del colonialismo y de la expansión estatal, lo que ha dado lugar a la situación presente de los pueblos indígenas.

Gracias Señora Presidente.

Douglas Sanders es profesor de la Facultad de Derecho de la Universidad de Columbia Británica, Vancouver, Canadá. ❑

Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

Bangladesh

Declaración del Sr. Mufleh R. Osmany, Embajador y Representante Permanente ante la ONU

Señora Presidente,
El pueblo de los distritos montañosos de Chittagong no se diferencia racialmente, religiosamente y económicamente de los pueblos de otras partes de Bangladesh. Raza es un concepto establecido por la ciencia – biológico y antropológico. Ambas disciplinas confirmarían que el pueblo de Bangladesh constituye una raza – una raza mixta.

Nombres de razas aplicados a grupos de dialectos, grupos religiosos, grupos subculturales y grupos geográficos, son biológicamente sin sentido y por ésto, científicamente sin fundamento e inaceptables.

Las religiones de Bangladesh incluyen el Islam, el Hinduísmo, el Cristianismo y el Budismo. El pueblo de los distritos montañosos de Chittagong es generalmente, budista, hindú o cristiano. Por lo tanto, tampoco hay diferencia en religión.

Económicamente somos todos iguales. Somos todos pobres y subdesarrollados. Así que, ¿dónde está la diferencia en la vida real? No hay ninguna. Las especulaciones académicas son otro asunto.

El asunto principal de las áreas montañosas de Chittagong es el terrorismo y el eufemismo de »desorden« usado por un orador culto no sería una justa descripción. Los terroristas *chakma* comenzaron su rebelión contra el estado a principios de los años setenta – esa es la historia correcta de la violencia, muerte y destrucción en esta área. Unos pocos miembros de una tribu están buscando dominar todas las otras doce tribus por medio del terrorismo y la violencia. Ningún estado puede permitir que esto suceda. Por eso el ejército fue llamado para apoyar a las autoridades civiles. Incluso el otro día, como fue reconocido por el representante de IWGIA, estos terroristas chakma mataron cuatro policías. ¿Cómo se puede exigir al mismo tiempo que el ejército debería ser retirado de esta área?

Mientras las actividades de desarrollo económico en las áreas montañosas de Chittagong mejoraban durante los últimos años de la década del setenta, hubo un desplazamiento de obreros y trabajadores especializados hacia esa área. El principio de la economía de mercado, en una sociedad libre y democrática, apoya totalmente el movimiento libre de los factores de producción.

Los litigios relacionados con la tierra y los casos criminales constituyen casi el setenta por ciento de los procedimientos pendientes ante los juzgados de Bangladesh. El asunto de la tierra no es algo único de las áreas de Bangladesh. Es de hecho un fenómeno nacional en un país tan superpoblado como Bangladesh. Una inspección especial de tierras es conducida en las áreas montañosas para establecer y determinar los derechos, títulos e intereses en la tierra de las áreas montañosas.

El Primer Ministro Begum Zia, visitó el área Logang personalmente, a continuación del triste incidente provocado por el terrorismo chakma. Ella reiteró la política de su gobierno para trabajar hacia una solución política. Pero ¿cómo negociar con una banda pequeña de terroristas con base fuera de Bangladesh? Estos terroristas no representan a nadie más que a ellos mismos.

Los líderes que están actualmente en contacto con el pueblo están en el Parlamento o dirigiendo el gobierno local electo. Los líderes debidamente electos son con los que hay que negociar, y no con los que tienen a la nación entera como rehén de su violencia y terrorismo irreflexivos. Ningún problema ha sido nunca resuelto con el terrorismo.

Los nueve miembros del Comité Parlamentario establecido por el gobierno para examinar los asuntos de los distritos montañosos de Chittagong incluyen miembros de la oposición. El Sr. Kalpa Ranjan Chakma, un miembro del Parlamento de esa área, es un miembro de este comité. Por lo tanto no sería moralmente válido, ni objetivamente correcto, decir que los miembros elegidos del Parlamento de esta área son excluidos.

Los apologistas de los terroristas chakma pueden descalificar el informe de un periódico de clase mundial como el Guardian. La simple circulación de este poderoso periódico es la evidencia de su credibilidad y objetividad.

De acuerdo a la manera en que el concepto de un Informante Especial es extendido a cada problema menor de la integración nacional, uno no se sorprendería si un día se encuentra a un Informante Especial bajo cada lecho nupcial. ❑

Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

Conferencia Circumpolar Inuit

Revisión de Acontecimientos

Por: Dalee Sambo

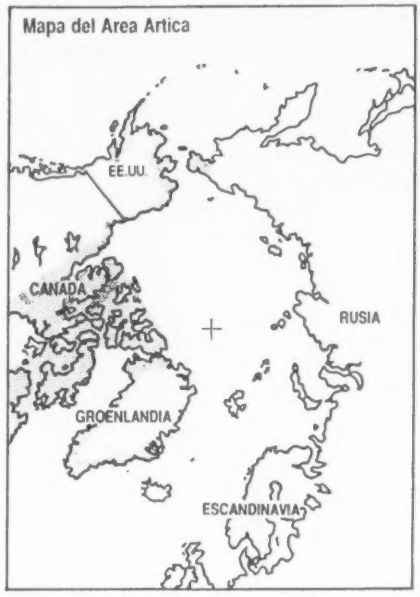
Agradezco la oportunidad de dirigirme a la 10ª Sesión del Grupo de Trabajo sobre Poblaciones Indígenas. La Conferencia Circumpolar Inuit (CCI) es una organización internacional no gubernamental, que comprende a los *inuit* de Alaska, Canadá, Groenlandia y Rusia.

La última semana, la CCI concluyó en forma exitosa su 6ª Asamblea General, que fue celebrada en Inuvik, NWT, Canadá. Como muchos de Uds. saben, hemos procurado la participación directa y plena de nuestras hermanas y hermanos rusos dentro del marco de la CCI desde nuestro comienzo en 1977.

Estamos contentos y orgullosos de informar que los inuit rusos son miembros plenos de la CCI. La delegación *yuit* a la Asamblea General de la CCI, eligió sus dos miembros al Consejo Ejecutivo el viernes 14 de julio, haciendo de esta 6ª Asamblea un verdadero pilar en la historia del desarrollo político inuit. Este importante acontecimiento tiene lugar en un importante momento en términos de los asuntos internacionales árticos y globales.

Además de otros asuntos importantes ante la Asamblea General de la CCI de 1992, elegimos un nuevo Presidente. Su nombre es Eileen MacLean, una mujer *inupiaq* de Barrow, Alaska. La Presidente MacLean asumirá sus nuevas responsabilidades, como líder político de nuestra organización inmediatamente después de un breve período de transición.

En 1991, les informamos que el gobierno canadiense anunció sus intenciones de crear un Consejo Artico, que brindaría un foro para que los ocho estados árticos pudieran



celebrar las actuales discusiones sobre asuntos de interés común y promover la cooperación circumpolar. La CCI (y la Organización Nacional Inuit de Canadá) ha jugado un rol vital en las conversaciones del Consejo Artico y afirmó la necesidad de representación de todos los pueblos árticos, de acuerdo con el importante principio de participación indígena directa en los foros internacionales que juzguemos relevantes.

La reciente Conferencia sobre Desarrollo y Medio Ambiente de las Naciones Unidas (UNCED) o la Conferencia Cumbre Mundial, brindó a la CCI una única oportunidad para atraer la atención de la comunidad mundial sobre las preocupaciones y necesidades inuit referentes al desarrollo sustentable. El principal objetivo de la CCI era que el papel y el valor del conocimiento tradicional indígena fuera claramente reconocidos en las decisiones de la UNCED.

Además, la CCI contribuyó con aportes científicos y técnicos a los documentos de la Agenda 21, la Convención sobre Biodiversidad y la Declaración de Río.

Creemos que nuestros esfuerzos en obtener el reconocimiento del conocimiento tradicional inuit a través de la Iniciativa Finlandesa, la UNCED y otras iniciativas ambientalistas internacionales, fue un factor contribuyente al patrocinio de la ONU de la conferencia técnica sobre Pueblos Indígenas y el Medio Ambiente, celebrada en Santiago, Chile, en mayo de 1992. La CCI asistió a esta conferencia y jugó un papel clave en el desarrollo de los principios de trabajo que emergieron de este encuentro.

A comienzos de este mes, la CCI envió un representante al 44º Encuentro Anual de la Comisión Internacional de la Pesca de la Ballena (IWC), celebrada en Glascow, Escocia. El mandato específico era asegurar el apoyo de la continuación de la pesca de la ballena por los inuit. Tuvimos éxito en este esfuerzo para proteger nuestra pesca sustentable de ballenas beluga y de Groenlandia, en Alaska y Groenlandia.

Estos son nada más que algunos de los más destacados trabajos de la CCI durante los pasados 12 meses, para asegurar nuestro compromiso en los procesos internacionales que afectan nuestros derechos, vidas y en particular, nuestros territorios árticos. Hemos demostrado nuestra capacidad para participar a nivel internacional, y para pro-

mover la cooperación internacional en áreas tales como la protección ambiental y el desarrollo sustentable.

En setiembre de 1991, por invitación del Gobierno Autónomo de Groenlandia, las Naciones Unidas celebraron una Reunión de Expertos sobre Autogobierno para Pueblos Indígenas en Nuuk, Groenlandia. La CCI, junto con representantes indígenas y organizaciones de todo el mundo, asistió y participó activamente. La reunión de expertos adoptó una serie de Conclusiones y Recomendaciones basadas en el reconocimiento de los pueblos indígenas como pueblos y sociedades distintos, con el derecho de autodeterminación, incluyendo el derecho a la autonomía, autogobierno y autoidentificación. La 6ª Asamblea General de la CCI adoptó formalmente las Conclusiones y Recomendaciones de Nuuk.

Durante el año pasado, los inuit de diferentes regiones árticas de Canadá han estado directamente comprometidos en las intensas negociaciones y debates nacionales sobre el reconocimiento del derecho inherente al autogobierno en la Constitución del Canadá. A pesar de que se han realizado progresos sustanciales, no es todavía seguro de que se logre un Acuerdo sobre reformas Constitucionales. El desafío para los pueblos indígenas, tal como el que enfrentamos en el Grupo de Trabajo, es defenderse de los intentos del gobierno de limitar nuestro derecho fundamental a la autodeterminación.

En este sentido, estoy obligada a compartir con Uds. otro asunto que fue encarado por una sesión del panel en la 6ª Asamblea General de la CCI. El derecho de autodeterminación era el objetivo central del panel sobre Derechos Humanos, Desarrollo y Foros Internacionales, y de este panel surgió la Resolución 92-06 de la CCI. Entregaremos al Grupo de Trabajo copias de ésta y otras Resoluciones de la CCI adoptadas en la reciente Asamblea.

La Resolución 92-06 se refiere específicamente al derecho de autodeterminación y las dimensiones políticas, económicas, sociales, culturales y espirituales de este derecho, y el derecho integral a tierras, territorios y recursos. La Resolución también cita la oposición estatal gubernamental, activa y agresiva, al reconocimiento claro y explícito y al respeto del derecho indígena a la autodeterminación en foros internacionales.

La cláusula de resolución da directivas a la CCI »para continuar sus esfuerzos de defensa del derecho de autodeterminación en los instrumentos internacionales relevantes, para asistir los esfuerzos de incluir el derecho inherente de autogobierno en los instrumentos nacionales, y para asistir además en hacer de la autodeterminación una realidad para los inuit en sus territorios y sus comunidades«.

Señora Presidente, como Ud. y otros Miembros del Grupo de Trabajo saben, la posición de la CCI ha sido consecuentemente en apoyo de un lenguaje claro y explícito sobre el derecho indígena a la autodeterminación.

Al llegar el lunes y encontrar las muy inquietantes declaraciones hechas por Canadá y los Estados Unidos, me otorga la inmediata oportunidad de comenzar a implementar la cláusula resolutiva de la Resolución 92-06. En un menor grado, encontramos a la declaración conjunta de los países nórdicos, también inquietante.

Como Uds. saben, hemos estado preocupados sobre la falta de una elaboración de los gobiernos estatales sobre sus puntos de vistas específicos en este foro democrático. Nos alegra que estos estados se están comprometiendo en un diálogo sustancial, sin embargo, estamos profundamente preocupados sobre el retroceso de sus posiciones.

Cualquier limitación o calificación del derecho indígena a la autodeterminación, en nuestro punto de vista, sólo puede ser vista como una discriminación racial. El intento del gobierno estatal de incluir un calificativo al término »pueblos« en la Declaración, es una reformulación de la despiadada oposición al reconocimiento del fundamental derecho de autodeterminación, demostrada por ciertos gobiernos durante el proceso de revisión de la Convención de la OIT sobre Pueblos Indígenas y Tribales.

Entendemos además que si estos gobiernos no logran un lenguaje »calificativo«, tratarán de lograr una orientación individual de los derechos en el texto de la Declaración. Esto sería una grave injusticia. Como la CCI ha declarado antes, el derecho a la autodeterminación debe ser aplicado a todos los **pueblos**, incluyendo a los pueblos indígenas, sin discriminación.

En contraste, nos alienta oír una serie de provechosas intervenciones de gobiernos sobre el derecho indígena a la autodeterminación, en particular, la amplia y positiva contribución realizada por el gobierno de Australia.

La contribución australiana es un importante paso hacia la disminución de la distancia entre los pueblos indígenas y los estados en este proceso de fijación de normas. Tales contribuciones pueden sólo ayudar a encarar las complejas cuestiones legales y políticas que enfrentan los pueblos indígenas, los estados y el Grupo de Trabajo mismo.

La propuesta australiana encara tal cuestión legal – debemos conducir un cuidadoso análisis legal de la Declaración de 1970 sobre Principios de Derecho Internacional Concerniente a las Relaciones Amistosas y la Cooperación Entre Estados de Acuerdo con la Carta de las Naciones Unidas, y el parágrafo específico citado por Australia. Es importante notar que este es un documento que tiene 32 años de antigüedad, redactado desde una perspectiva estrictamente estatal. Los redactores no consideraron los valores y derechos indígenas o la dimensión colectiva de los derechos indígenas.

Además, el ambiguo lenguaje »así poseído por un gobierno **en representación** de todo el pueblo perteneciente al territorio sin distinción de raza, credo o color« es una exigencia demasiado fácil que los gobiernos pueden alegar cumplir. Por ejemplo, los representantes del movimiento separatista de Quebec alegan que ellos, como nación, representarían a todos los pueblos del territorio de Quebec, incluyendo a los inuit. Nuestra experiencia pasada y presente con el gobierno de Quebec con respecto a este alegato, nos lleva a creer lo contrario.

Más »representación« es inconsistente con los principios que la CCI y muchos otros han abogado, en particular el derecho a la plena y directa participación y el derecho al consentimiento.

Cuestiones de esta naturaleza, así como otras, hacen cuestionar el marco temporal del Grupo de Trabajo para sus esfuerzos de completar la Declaración Preliminar. Debemos darnos el tiempo para asegurar de que establezcamos una Declaración Preliminar que permita una plena deliberación sobre un lenguaje que responda a las diversas condiciones y estatus de los pueblos indígenas de todo el mundo. En este respecto, apoyamos la declaración hecha colectivamente por el Consejo Nacional Indio de la Juventud, el Centro Legal de Recursos Indios, y el Centro del Cuarto Mundo para el Estudio de Legislación y Políticas Indígenas.

En conclusión, permítaseme reafirmar nuestro aprecio a la Presidencia y los Miembros del Grupo de Trabajo por sus capacitados esfuerzos en la redacción de una Declaración Universal que responda verdaderamente a las diversas realidades y condiciones que encaran los pueblos indígenas del mundo. Estamos alentados por el desarrollo general de los acontecimientos y continuaremos brindando nuestro apoyo y asistencia a esta importante tarea. Gracias. ❑

Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

Declaración de la Asociación Rusa de los Pueblos Indígenas del Norte

Por: Vladimir Sanghi, Presidente

Islas Kuriles

Vladimir Sanghi.
Foto: Leo Van den Vlist/WIP

En 1959 el promedio de la expectativa de vida de los pueblos indígenas del Norte de Rusia era de 62 años. En 1989 la expectativa de vida de este pueblo fue reducida en 15-20 años. Hoy en día nuestro pueblo no vive hasta la edad de jubilación.

Por siglos la comunidad internacional (incluyendo Rusia) construyó su relación con los pueblos indígenas desde un punto de vista »eurocéntrico«, basado en dogmas seudo-científicos del atraso histórico de los aborígenes y su destino de extinción.

Esta doctrina es invocada para justificar las terribles consecuencias de la bárbara expansión de los colonizadores y predadores. Ignoraron completamente los intereses de los pueblos indígenas, sus características etnohistóricas y sus derechos, condicionados históricamente, para el uso de sus propias tierras, las cuales son ahora la base principal del desarrollo económico de la comunidad internacional.

Nuestro reclamo es el siguiente:

- La eliminación, para el Año de los Pueblos Aborígenes (1993), del enfoque unitario y discriminatorio de los pueblos indígenas en las constituciones de todos los países, y el otorgamiento a esos pueblos del derecho de autodeterminación.

De acuerdo con esta declaración, me dirijo a todos los estados y pueblos que han establecido una relación colonial con otros pueblos, mediante la toma de sus tierras y el cambio forzoso del modo de vida de los pueblos indígenas. Les pido a ellos que usen el Año de los Pueblos Indígenas para una autopurificación moral por todos estos daños que han causado a nuestros pueblos. Me estoy dirigiendo a las cabezas de los estados tales como España, Portugal, Gran Bretaña, Italia, Alemania, Japón, Dinamarca, Francia, los Países Bajos, Rusia, Estados Unidos y otros poderes coloniales, del presente o del pasado, para que enfrenten el año 1993 cumpliendo la ceremonia de arrepentimiento ante toda la humanidad.

Supongo que el resultado lógico del Año de los Pueblos Indígenas debe de ser la eliminación de toda clase de política colonial en la práctica internacional, en la práctica de los estados, y la eliminación de las consecuencias de semejante política.

Los pueblos indígenas deben de obtener los derechos exclusivos, condicionados históricamente, a sus tierras y a su modo de vida. La presencia de pueblos extranjeros en territorio indígena debe de ser mencionada en tratados, donde los pueblos indígenas mismos determinen las condiciones de la presencia extranjera en sus territorios.

Esto es de gran importancia, si tomamos en cuenta que ahora la población extranjera usa los territorios indígenas, no solamente para motivos mercenarios y egoístas (que han llevado a desastres ecológicos y étnicos a gran escala), sino también para satisfacer sus agresivas ambiciones que amenazan con una catástrofe mundial.

Las islas Novaya Zemlya, situadas en el Océano Artico, son territorio de los pueblos indígenas de Rusia – el pueblo *nent*. Los nent fueron desplazados de sus tierras a la fuerza, por el Estado Soviético, y su lugar nativo se convirtió en territorio nuclear. Hoy en día el archipiélago de Novaya Zemlya no está solamente estremecido por las explosiones nucleares, sino también es un depósito de desperdicios radioactivos. En los últimos 20 años cerca de 11.000 contenedores de desperdicios radioactivos fueron enterrados en este archipiélago. Tenemos en nuestro poder la siguiente información:

- En este momento el contenido de cesium-137 en los organismos de los nent -criadores de renos- es 50 a 100 veces mayor que en los organismos de pobladores de las ciudades de la misma región. Rusia debe de detener las pruebas de armas nucleares en esta área y remover los desperdicios nucleares del territorio de los pueblos del norte.

Ahora el problema de »los territorios del norte«, o sea las islas Kuriles y la necesidad de devolverlas al Japón, es ampliamente discutido en Rusia y Japón. Y ahí también la ideología colonial es dominante. Las Kuriles son la tierra originaria del pueblo *ainu*. Son tan antiguos como su amistosos vecinos – mi pueblo de 4 mil años de antigüedad, los *nivkh*, los cuales han vivido en la isla de Sakhalin y en los bajos del rio Amour por lo menos durante 5.000 o 6.000 años.

Lo principal debe de ser solamente la devolución de las islas Kuriles al pueblo ainu. Los ainu decidirán ellos mismos qué modo de vida desarrollar en su tierra nativa, qué clase de relaciones se establecerán y con quién. ❑

Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

Conservadores de los Tesoros:

Consejo Cultural de Indios Americanos, Nativos de Alaska, y Nativos Hawaiianos

Por: Gordon L. Pullar

Gordon Pullar.
Foto: Leo Van den Vlist/WIP

Gracias, Señora Presidente, por la oportunidad de hablar.

Estoy aquí como representante de Keepers of the Treasures (Conservadores de los Tesoros), una organización indígena formada el año pasado para encarar la cuestión de la preservación cultural en los Estados Unidos. Esta es una organización nacional dirigida por 15 miembros del consejo directivo, representando todas las áreas geográficas de los Estados Unidos. Yo soy el representante de Alaska en este consejo. Esta organización fue fundada en respuesta a la constatación de que, en varios grados, muchas tribus nativas están perdiendo, o por lo menos extraviando, aspectos importantes de su patrimonio. Como el orgullo por el patrimonio es el núcleo de la identidad de uno, y por eso de la autoestima, es un imperativo el que no perdamos nuestras tradiciones, valores, e identidad, a causa de nuestra falta de esfuerzos para preservarlos. Es la pérdida de estas cosas que resulta en muchos de los problemas sociales que enfrentamos hoy en día.

Yo soy un *aleut* de la Isla de Kodiak, o *alutiiq*, y soy el anterior presidente de la Aspciación Nativa del Area de Kodiak (KANA). La tierra natal del pueblo alutiiq fue la más fuertemente dañada por el derramamiento de petróleo de Exxon Valdez, en 1989. Las comunidades alutiiq continúan cicatrizando, ambiental, económica y espiritualmente, por este trágico evento.

Durante el período de seis años de mi presidencia de la Asociación Nativa del Area de Kodiak, empezamos un proceso activo y consciente para preservar nuestra cultura. Un aspecto de nuestros esfuerzos fue el de ocuparnos de asuntos no terminados. Empezamos un proceso activo para obtener el retorno, de la Institución Smithsonian, de los restos óseos de nuestros antepasados. Después de seis años de esfuerzo, 756 esqueletos, el grupo más grande de un lugar, de los 18.500 esqueletos de Americanos Nativos localizados en el Smithsonian, fueron regresados a la Isla de Kodiak el pasado octubre, y reenterrados después de haber pasado más de 50 años en cajones de almacenamiento de madera en Washington, D.C.

Creemos que para poder planear nuestra trayectoria al futuro, debemos primero entender dónde hemos estado. Y, sobre todo, no debemos ofender a nuestros antepasados. Desde luego, el haber permitido que los restos de nuestros antepasados fueran guardados en cajas de almacén, a miles de millas lejos de su hogar, hubiera sido ofensivo para ellos.

En 1989, mientras que fui presidente de KANA, firmé un acuerdo con el Museo Regional de la Isla de Sakhalin, en Rusia, para intervenir en un proyecto arqueológico conjunto. Nuestro propósito, al hacer ésto, fue entender más sobre nuestro pasado extraviado. Durante la primera mitad del siglo XIX, mucha de nuestra gente, esclavizados por negociantes de pieles, fueron llevados a las islas Kuriles para cazar nutrias para los rusos. El verano pasado, un grupo de jóvenes estudiantes aleut de Kodiak, viajaron a las Kuriles para tomar parte en las excavaciones de las viviendas de nuestros antepasados que fueron llevados en contra de su voluntad. Estas excavaciones, dirigidas por Valery Shubin del Museo de Sakhalin, hizo posible conocer más de este triste capítulo de nuestra historia.

Durante esta sesión del Grupo de Trabajo, hemos escuchado, tanto al representante de la Asociación Ainu, como a mi amigo Vladimir Sanghi, exigir la devolución de las Islas Kuriles a su habitantes originarios, los ainu.

Como un alutiiq de Kodiak, cuyos antepasados fueron llevados a la fuerza a las Islas Kuriles, y por lo tanto algunos de sus espíritus todavía residen allí, creo que la devolución de estas islas a los ainu es una excelente idea, justa y razonable. Rara vez un problema de la magnitud de la disputa entre Rusia y Japón, puede resolverse con provecho para todas las partes.

Es mi intención regresar a casa y requerir a los grupos Nativos de Alaska que aprueben este concepto, en esperanza de que, aunque sea modestamente, ayude a facilitar la devolución de las islas a los ainu. Poner estas islas en manos de pueblos indígenas, será un tributo apropiado para mis antepasados que allí murieron.

Muchas gracias. ❑

Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

Secretariado Nacional de Servicios Legales Aborígenes e Isleños

Revisión de acontecimientos

Señora Presidente:

Un acontecimiento de extrema importancia ha ocurrido desde la reunión de 1991 del Grupo de Trabajo, y es que la Suprema Corte de Australia ha entregado su decisión sobre el caso de Mabo versus Queensland.

La mayoría de esta corte rechazó la doctrina racista de *terra nullius* como base legal de la Adquisición Británica de la soberanía sobre la Australia indígena. Pero luego dejó de trazar las lógicas conclusiones legales de ese rechazo. Por el contrario, el razonamiento de la mayoría ha simplemente servido para reemplazar una ficción legal con una nueva – obviamente menos ofensiva.

Con el propósito de encarar esta investigación judicial sobre la adquisición de territorio por un estado, la ley en cuestión no constituye una Ley de Derecho Internacional del tiempo de la pretendida adquisición, ni es Internacional en el presente. Sino más bien el derecho consuetudinario inglés en la pretendida fecha de adquisición.

En el momento de la invasión británica del continente australiano, el derecho consuetudinario inglés sólo reconocía tres métodos por los cuales un estado podía adquirir soberanía sobre un territorio ya ocupado por otros.

1. Podía conquistar a los habitantes existentes.
2. Los habitantes existentes podían rendir voluntariamente su soberanía al invasor.
3. Podía colonizar tierra sobre la base de que fuera tierra no perteneciente a nadie, porque los habitantes existentes eran tan primitivos y bárbaros que no tenían leyes, organización social y por lo tanto ninguna persona o institución soberana capaz de ser reconocida por el Derecho Internacional (*terra nullius*).

La mayoría de los jueces encararon en forma diferente la cuestión de si Australia era *terra nullius* en 1788.

Descartaron retrospectivamente la doctrina extendida de *terra nullius* del derecho consuetudinario. (Deber ser notado que este enfoque ignora completamente la doctrina legal intemporal.)

El juicio minoritario, sin embargo, estableció categóricamente que las tierras del continente fueran *terra nullius*.

Ya que la razón fundamental para considerar a Australia una colonia establecida fue desacreditada, restan tres posibilidades con respecto a las tierras y territorios tradicionales de cada uno de las más de trescientas naciones *aborígenes* e *isleñas* que ocupaban el continente en los tiempos de la invasión británica.

1. La Corona Británica adquirió la soberanía por conquista.
2. La soberanía fue cedida a la Corona Británica.
3. Las naciones aborígenes nunca perdieron la soberanía.

La norma de derecho consuetudinario inglés y australiano con respecto a la conquista se debe encontrar en la decisión del Consejo Privy sobre Campbell versus Hall. Ahí se describen dos métodos alternativos por los cuales la soberanía puede ser obtenida por conquista. Un soberano invasor podía obtener sus derechos solamente por:

I. Una forma de cesión de territorio por los habitantes existentes.
II. Por la masacre masiva y completa de los habitantes existentes.

Evidentemente, los británicos no adquirieron ningún tipo de soberanía sobre el territorio de Australia por conquista.

Ninguna nación aborigen ha rendido voluntariamente su soberanía sobre sus tierras a nadie, y mucho menos a los británicos. La cuestión que surge es cómo los británicos adquirieron (si es que así lo hicieron) la soberanía sobre Australia.

La Suprema Corte no trató para nada esta cuestión. Más bien se declaró incompetente para considerarla. Brennan J. citó en nombre de la mayoría de los estados:

> »La adquisición del territorio por un estado soberano por primera vez es un acto estatal que no puede ser recusado, controlado ni interferido por las cortes de ese estado.«

Mientras que la minoría decidió lo siguiente:

> »La validez de tal acto estatal no puede ser recusada en las cortes británicas. Debe aceptarse en esta corte que la totalidad del territorio designado en la Comisión Phillip fue, en febrero de 1788, validamente establecido como una colonia británica establecida. La negación de competencia para cuestionar la adquisición británica de territorio, contradice completamente su afirmación de competencia para disputar la pro-

puesta de que el continente era *terra nullius* en ese momento. La cuestión de si Australia era *terra nullius* en 1788 es una cuestión de hecho o legal que no se levanta. Para empezar, ninguna corte australiana es competente para encarar la cuestión.«

Resumiendo, si se puede decir que hay una sentencia del derecho consuetudinario australiano que comprometa al efecto de que la adquisición de soberanía sobre tierra por parte de un estado no pueda ser cuestionada en las cortes de ese estado, esa sentencia existe sólo por virtud de la decisión mayoritaria del caso Mabo en sí mismo. Además, la corte violó su propia sentencia al cuestionar la propuesta de que el continente australiano fue colonizado en virtud de ser *terra nullius* en 1788. Los resultados de estas maniobras judiciales sólo pueden se establecidas de la siguiente manera:

- En 1788 Gran Bretaña mágicamente adquirió de alguna manera la soberanía, por colonización, sobre un continente ya habitado por una raza de gente que pertenecían a sociedades con sistemas legales y de organización social altamente evolucionados. Además, no se permite que el rechazo de las cortes de la doctrina de *terra nullius*, tenga sus consecuencias naturales. En cambio, la decisión sirve solamente para sustituir la ficción legal de que Gran Bretaña colonizó legítimamente territorio no perteneciente a nadie, con la ficción legal, obviamente menos ofensiva, de que Gran Bretaña colonizó legítimamente territorios que estaban ya habitados por pueblos indígenas; quedando la soberanía de estos pueblos indígenas sobre *sus tierras y territorios instantáneamente* extinguida en ese momento, en 1788, cuando Phillip proclamó la soberanía británica por medio del establecimiento de una colonia penal en Sydney Cove. Creemos que la sustitución de la doctrina de *terra nullius* con la doctrina del descubrimiento es probablemente la característica más perversa del caso Mabo. La doctrina del descubrimiento es esencialmente idéntica en carácter a la de *terra nullius*, están igualmente basadas en una visión anticuada, racista, imperialista y eurocéntrica de las relaciones internacionales y, por lo tanto, son igualmente repugnantes. ❑

Publicaciones recibidas

Henry P. Huntington
Administración de la fauna y caza de subsistencia en Alaska
Belhaven Press en asociación con el Instituto Scott de Investigación Polar, 1992. 177 p.

Con los *iñupiat* del norte de Alaska como base de su investigación, Huntington analiza los conflictos existentes entre los intereses de los iñupiat y los regímenes de administración de las agencias del gobierno responsables de la conservación de las especies cazadas. El describe el modo de vida de los iñupiat, y en particular la economía de subsistencia que practican. Un énfasis especial es puesto en la importancia de la caza para su sustento y su cultura.

El libro es un caso de estudio bien detallado de cómo una diferencia de metas y objetivos en relación a la administración de la fauna, puede ser constructivamente reconciliada. Además evalúa las diferentes iniciativas locales y corporativas, las cuales han tomado un papel importante presentando y apoyando los intereses de los cazadores locales, tanto a nivel nacional como internacional.

Aunque se centra en los regímenes de administración al norte de Alaska, el libro proporciona varios métodos generales para analizar la efectividad de la administración de la fauna, donde perspectivas, necesidades y derechos indígenas tienen que ser integrados. A través del libro Huntington destaca el principio del compromiso local intensivo en todas las fases del proceso de administración, desde la investigación hasta la formulación e implementación de regulaciones. Para apoyar este principio, el crea una amplia lista de criterios que facilitan la interacción exitosa entre el régimen administrativo y los cazadores locales.

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Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

Declaración de la Comisión de Aborígenes e Isleños del Estrecho de Torres

Por: Lois O'Donoghue, Presidente

La Comisión de Aborígenes e Isleños del Estrecho de Torres (ATSIC) de Australia, apoya fuertemente la proposición del gobierno de Australia referente al mantenimiento de la autodeterminación en la declaración preliminar.

Es nuestra opinión que sustituir el término *»autodeterminación«* por el de *»autoadministración«* debilitaría drásticamente la declaración. El concepto de *»autonomía«* indígena y el compromiso con la *»participación plena«* de los pueblos indígenas debe mantenerse. La *»consulta«* sola es inaceptable. Desde el punto de vista de ATSIC, semejantes modificaciones serían consideradas como un paso hacia atrás. Resultaría en un instrumento internacional que haría improbable el fomento de los derechos de los pueblos indígenas.

Al decir esto, ATSIC es sensible a los intereses de los gobiernos observadores y reconoce que el concepto de autodeterminación para los pueblos indígenas puede parecer que amenace la integridad territorial y la unidad política de las naciones soberanas. Por esta razón será necesario incluir algunas previsiones calificativas en la declaración preliminar. Si ésto es necesario, es la opinión de ATSIC que tal enfoque es muy preferible al de omitir el término.

La experiencia australiana ha mostrado que el concepto de autodeterminación puede proporcionar una base flexible para dar a los pueblos indígenas, progresivamente más poder para tomar sus propias decisiones en los asuntos que los afectan. De hecho la creación de ATSIC, y su capacidad, tanto de ser una parte central de la maquinaria de gobierno y de retener su punto de vista independiente, testimonia el valor del concepto para fomentar los derechos de los aborígenes y los pueblos isleños del Estrecho de Torres en Australia.

En Australia, por el momento, el compromiso del gobierno con la autodeterminación indígena, se ha hecho concreto a través del cuerpo representante, ATSIC, el cual presido. Eso significa que en vez de haber un cuerpo *consultivo* del gobierno australiano, existe hoy en día una autoridad *decisoria*. Esa autoridad tiene la responsabilidad, no solamente de decidir sobre tres terceras partes de los desembolsos del gobierno en pueblos indígenas, sino también para coordinar y controlar políticas y programas en todo el campo de las actividades del gobierno. Sobre si ATSIC está ahora en condiciones de determinar la respuesta del gobierno al enfoque de las necesidades culturales, sociales, y económicas de mi pueblo, es algo que trataré con más detalle la próxima semana.

Lo que quisiera hacer notar en este momento, es que la creación de ATSIC y el aumento de poder que se le dio, no debería de ser visto como la última palabra del gobierno australiano sobre autodeterminación. La autodeterminación es un concepto aspirativo, que proporciona una base firme para el aumento progresivo de los poderes de toma de decisiones de los pueblos indígenas.

ATSIC se ocupa del alcance y la extensión de los poderes de autodeterminación a ser ampliados. El término »autodeterminación« brinda un marco positivo, dentro del cual, otros objetivos claves de los pueblos indígenas de Australia – tales como los derechos territoriales, compensación, desarrollo de un tratado, aumento del reconocimiento del derecho consuetudinario, o cambio constitucional – pueden ser procurados. Para otros pueblos indígenas del mundo, el concepto de autodeterminación tiene implicaciones domésticas similares.

Señora Daes, la declaración preliminar es un importante trabajo de fijación de normas. Debe de ser un documento que pueda obtener un amplio consenso entre las naciones. Pero no debe de ser diluido en forma tal en la búsqueda de consenso, que su valor para los pueblos indígenas se vea reducido significativamente.

Es la opinión de la Comisión de Aborígenes e Isleños del Estrecho de Torres de Australia que el término »autodeterminación« debe de ser mantenido. No hay un sólo concepto en la declaración preliminar que tenga tal poder como para sustentar los derechos a los cuales los pueblos indígenas aspiran. ❑

Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

Declaración de Ngaati Te Ata

Nueva Zelanda (Aotearoa)

Tena koutou,
Erihapeti, Moana, me korua hoki Te Atawhai me Hohepa nga mangai o te Whakakotahitanga o Aotearoa, tae noa ki to tatou tamahine, Moana. Koutou nga uri rangatira a o koutou tupuna matua, me a koutou Maunga, Awa, Moana, Ngahere, Waahi Tapu Tena koutou.
Nga mihi hoki ki a koe te mangai o te kawana Miriama me nga korero a te Maunga tapu o Taranaki e iri nei ki runga i a koe.

Señora Daes, Distinguidos Miembros del Grupo de Trabajo, Gobiernos Observadores y Distinguidos Representantes de los Pueblos Indígenas Tena Koutou Katoa.

Permítaseme rendir homenaje a aquellos pueblos indígenas que promovieron nuestra entrada a las Naciones Unidas.

En años atrás Ngaati Te Ata ha presentado declaraciones de índole tribal local y general nacional, relacionada con la Revisión de Acontecimientos. Este año Ngaati Te Ata reconoce la presencia del Te Whakakotahitanga o Aotearoa, el Congreso Nacional Maori, así como otros representantes establecidos de nuestro país.

En esta Décima Sesión del Grupo de Trabajo, han sido presentadas declaraciones que no pueden ser ignoradas. Por ejemplo, el gobierno Colonizador de Nueva Zelanda reclama que »... debería de haber coherencia entre los instrumentos internacionales...« y se refiere al capitulo 26 de la agenda 21 de UNCED donde el término »tierras« »es simplemente usado junto a una declaración de la comprensión del significado del término« como preferencia, en vez de tierras y territorios. Reclama no conocer la distinción y cita el Tratado de Waitangi como la razón legal que nos ha alienado nuestras tierras y continúa alienándonos a través de sus políticas de privatización y corporación. Después procedió a destacar en este foro internacional, su fórmula para la aplicación de la ley nacional.

Hace dos años en una intervención conjunta, hicimos referencia a un comentario hecho por un representante gubernamental, el cual después negó haber dicho que, »el gobierno de Nueva Zelanda nunca acordaría que el pueblo de Maori obtenga **autodeterminación**.«

Hoy en día, el gobierno colonizador de Nueva Zelanda ha mostrado su verdadera cara y ha anunciado elocuentemente que »no le es posible apoyar la inclusión del »derecho de **autodeterminación** en la declaración«, después, asombrosamente busca imponer la **autoadministración** a los Pueblos Indígenas del mundo. Tal escandalosa reducción de nuestros derechos inherentes es totalmente rechazada. La Declaración de Independencia y el Tratado de Waitangi aseguran nuestro derecho de **autodeterminación**.

Aunque la Audiencia ante el Tribunal de Waitangi con respecto a la profanación y confiscación de nuestro cementerio sagrado en Maioro, el estrago de nuestras aguas tribales y otros actos de injusticia, fue celebrada en 1984, el caso aún no ha sido resuelto por los gobiernos sucesivos.

Debe de decirse que a pesar de que se nos niega continuamente nuestros derechos inherentes, por parte del gobierno colonizador de Nueva Zelanda, hay muchos acontecimientos *maori* excitantes, a nivel nacional y local.

Ngaati Te Ata ha preparado un Documento de Política Tribal destacando muy claramente a todas las agencias externas, nuestra búsqueda de la **autodeterminación**. Está basado en nuestra *tikanga* (leyes/tradiciones), es una continuación de la Declaración de Independencia de 1835, pero no está basado en la misma, y tendrá éxito ya que es diseñado, conducido y puesto en acción por nuestro propio pueblo. Tenemos **»el derecho de ser nosotros mismos«.**

Por ejemplo, nuestras vibrantes políticas de acción sobre la restauración de Papatuanuku, Madre Tierra, y el medio ambiente total, es central para nuestra **autodeterminación**.

Sin el adecuado cuidado de nutrición y protección, Papatuanuku, La Madre Tierra, no sobrevivirá

Si Papatuanuku, la Madre Tierra no sobrevive, el Pueblo no sobrevivirá

Porque somos inseparables.

No es muy tarde para que el gobierno colonizador de Nueva Zelanda cambie su posición, y reconozca y apoye el derecho inherente de los pueblos indígenas de **autodeterminación,** pues la clave para la supervivencia del hombre la tienen los pueblos indígenas. ❑

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Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

Declaración del Consejo Nacional Chicano de Derechos Humanos

Por: Roseanne Olguin.

Gracias, Señora Presidente.

Quisiera darle las gracias por darme la palabra por primera vez y felicitarla por su reelección como presidente del Grupo de Trabajo en su Décima Sesión. En una intervención anterior hecha en la 48ª sesión de la Comisión de las Naciones Unidas de Derechos Humanos, un caso de los pueblos *chicanos* fue escuchado bajo el punto 13 titulado Medidas para mejorar la Situación y Asegurar los Derechos Humanos y la Dignidad de todos los Trabajadores Migratorios. En esa intervención el Consejo Nacional Chicano de Derechos Humanos afirmó que el Tratado de 1848 de Guadalupe Hidalgo, entablado entre México y los Estados Unidos, garantizaba numerosos derechos legales y protecciones, para los habitantes indígenas cuya identidad fue alterada de repente por el robo, mediante la anexión de territorios indígenas, por los Estados Unidos. Una acción no distinta a la acción de Irak en Kuwait de hace más de un año.

Los chicanos, en tanto que un pueblo distinto y así como muchos otros pueblos indígenas confrontados con fronteras impuestas ilegalmente, se ven sometidos a cuestiones específicas que han resultado en numerosas violaciones de los derechos humanos. Mientras que los intereses de un lenguaje específico de Tratados son asumidos en el grupo de trabajo, no hay provisiones en la Declaración Preliminar de los Pueblos Indígenas para recompensar a los pueblos indígenas que nunca han entablado acuerdos con estados, ni por tratados y acuerdos con estados que excluyeron la participación y el consentimiento de los habitantes indígenas, cuyas vidas y territorios son drásticamente afectados por tales acuerdos.

Este tratado en particular no es más que un ejemplo de situaciones similares sufridas por los pueblos indígenas en otras partes del mundo. Los tratados y acuerdos hechos entre estados pero nunca aplicados, tienen el poder de negar consecuentemente el reconocimiento y los derechos de identidad, siendo la consecuencia la categorización de los pueblos indígenas como »migrantes«, »extranjeros ilegales«, »inmigrantes« y »desplazados« aún cuando viven en su propia tierra natal.

El Consejo Nacional Chicano de Derechos Humanos informó de violaciones de los derechos humanos, afectando a trabajadores »migrantes«, exponiendo el actual comercio de esclavos conducido por los granjeros norteamericanos, muertes debido a la exposición deliberada a pesticidas, abuso sexual y violaciones de mujeres indígenas, heridas y asesinatos por los agentes de patrulla fronteriza y grupos de vigilancia, y la negación de los derechos de los pueblos indígenas para cruzar libremente y sin interferencia a través de la cortina de hierro norteamericana, la frontera entre EEUU y Méjico.

Mientras que los Estados Unidos reclaman representar el ideal democrático, la realidad para un número creciente de personas dentro de las fronteras que actualmente mantiene, es todo lo contrario. La militarización de la frontera ha aumentado el apoyo a la política de terrorismo internacional promovida por el gobierno contra hombres desarmados, mujeres, niños y familias enteras, que buscan solamente hacer valer su derecho humano, internacionalmente reconocido, a la autodeterminación y a una vida con dignidad. Nuevos acontecimientos han revelado violaciones ocurridas a cientos de millas más allá de la frontera ilegal, como resultado de los recientes disturbios en Los Angeles, California.

Los medios de comunicación informan que la ciudad se está reconstruyendo y reconciliando. La realidad es que mientras los residentes limpiaban las calles, los agentes fronterizos de Inmigración y Naturalización fueron desplegados en vecindades indígenas densamente pobladas para abocarse a búsquedas ilegales y secuestros o embargos, detenciones y arrestos ilícitos, negación de procesos legales, condiciones de detención aberrantes, y una cooperación ilícita y sin precedentes entre fuerzas de seguridad local, estatal y federal. Estas acciones han abierto el camino a determinadas fuerzas, para cometer actos que son ilegales bajo las normas locales, estatales, federales e internacionales. Las violaciones de las fronteras ahora se han extendido dentro de ciudades donde los pueblos indígenas viven. La población norteamericana de orientación xenófoba, ha levantado acusaciones no fundamentadas, incluyendo los medios de comunicación.

Señora Presidente, es nuestra percepción indígena que el Acuerdo de Libre Comercio Norteamericano, que se está negociando actualmente entre Canadá, Estados Unidos y México, servirá para explotar aún más el no desarrollo de una fuerza de trabajo indígena.

No podemos esperar que otro acuerdo por parte de gobiernos occidentales, proporcione substanciales medidas firmes de protección, de acuerdo con las normas internacionales de derechos humanos ya existentes. Es un reflejo desafortunado de la comunidad internacional, que recién después de estas revelaciones existe una base para exigir el tratamiento humano para todos los pueblos de la Madre Tierra. Aparte de los asuntos

urgentes de las fronteras, el tema de las condiciones sociales y económicas de los chicanos y otros pueblos indígenas bajo ocupación extranjera, afectados por esta frontera, será elaborado en uno de los dos informes de nuestra organización a ser presentados al grupo de trabajo, siendo el segundo un informe detallado concerniente a los disturbios.

Para concluir Señora Presidente,

Es nuestra súplica que esta Declaración pronto sea uno de los medios para incluir la lucha de pueblos indígenas no mencionados para exigir sus derechos a la autodeterminación y la dignidad. El Consejo Nacional Chicano de Derechos Humanos extiende una invitación a usted, Señora Presidente, y al informante especial Dr. Alfonso Miguel Martínez, a nuestra conferencia anual de Derechos Humanos en noviembre de este año, para observar e investigar testimonios de nuestras comunidades frente a un tribunal de pueblos indígenas para esa fecha.

Gracias Señora Presidente. ❑

Publicaciones Recibidas

FORSYTH, James
Una Historia de los Pueblos de Siberia. Colonia Norasiática de Rusia 1581-1990.
Cambridge University Press, 1992. 455 pág., + il.

Este libro es la primera etnohistoria de Siberia que aparece en inglés, analizando rasgos etnográficos y lingüísticos de los pueblos indígenas y trazando su historia a partir de la conquista rusa.

Después de la revolución de 1917 el nuevo régimen Soviético trajo autonomía a los pueblos indígenas. Sin embargo, la política de rusificación socavó aún más las comunidades indígenas.

Su situación crítica en el período de posguerra dio lugar a un movimiento notable de derechos nativos en la década del ochenta.

WADDEN, Marie
Nitassinan: Los Innu luchan para reclamar su tierra nativa.
Douglas & McIntyre, Vancouver/Toronto 1991, 218 p. + il.

En los años cincuenta la tierra de los *innu* de Quebec-Labrador, Canadá, fue invadida por un desarrollo industrial en gran escala. El pueblo continuó cazando, pescando y poniendo trampas como siempre, pero a principios de los ochenta, aviones bombarderos empezaron a hacer vuelos de prueba sobre territorio tradicional innu, volando a velocidades de hasta 900 kilómetros por hora y tan bajo como 30 metros sobre la tierra. Los planes del gobierno canadiense de establecer un centro de entrenamiento a gran escala de la OTAN en su territorio, fue la gota que derramó el vaso para los innu. En una serie de acciones de protestas, el pueblo ocupó las pistas de aterrizaje y un campo de bombardeo. Cientos fueron arrestados, y su causa atrajo la atención y el apoyo del mundo entero.

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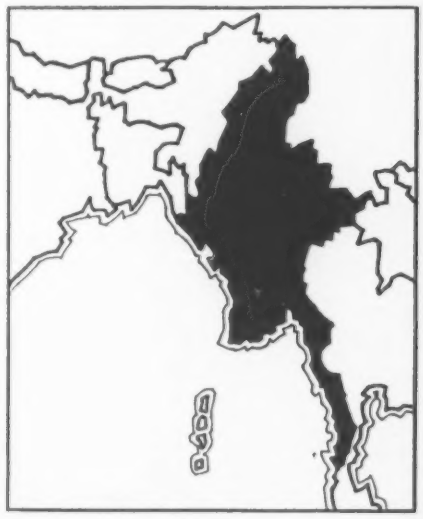
Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

Declaración de la Unión Nacional Karen



Birmania

Señora Presidente,

Quisiera poder decir que las cosas están mejor en Birmania. Desafortunadamente, la verdad es lo contrario. El Consejo de Restauración de la Ley y el Orden del Estado, CRLOE para acortarlo, quiere subyugar a todos los pueblos de Birmania.

Durante la temporada seca del año pasado, el ejército lanzó una gran ofensiva contra los *karen* que viven cerca de la frontera con Tailandia. La radio estatal anunció que aniquilarían la capital de los karen, Manerplaw, para el 27 de marzo de 1992. Esta meta no fue alcanzada. Debido a la temporada de lluvia, hay una suspensión temporal de los ataques.

Hacia el norte, los *kachin*, quienes viven cerca de la frontera chino-birmana, también sufrieron un fuerte ataque. El CRLOE construyó caminos a través del territorio kachin, supuestamente para permitir a los granjeros transportar las cosechas a los mercados. En realidad estos caminos dieron fácil acceso a las tropas del CRLOE.

En la frontera occidental birmana con Bangladesh, más de 200.000 refugiados de los estados Arakan se volcaron dentro de Bangladesh. Aún hoy en día, siguen afluyendo a un promedio de 700 a 1.000 cada día.

La población mayoritaria, los *birmanos*, también han sufrido en las manos de CRLOE. Como usted sabe, Señora Presidente, durante las demostraciones por la democracia de 1988, miles de estudiantes y otros ciudadanos fueron matados. Alrededor de tres mil huyeron a áreas controladas por las minorías. El líder del movimiento, laureada por el Premio Nobel, Daw Aung San Suu Kyi, todavía esta bajo arresto domiciliario. Excepto aquellos con relaciones fuertes con el ejército, el resto de la gente en la ciudades vive como si estuvieran en arena movediza. Cualquier movimiento equivocado y pueden ser llevados.

En el campo, miles de aldeanos, mujeres y hombres, han sido esclavizados por las tropas del CRLOE en sus ataques contra los pueblos indígenas. Son escogidos al azar en las calles, o sacados a la fuerza de sus hogares. Suben y bajan montañas llevando cargas muy pesadas con poca agua y comida. Sufren innumerables atrocidades. Menos de la mitad sobreviven.

El ejército siempre ha tratado de socavar la solidaridad. Usan muchos métodos para dividir a los pueblos de Birmania. Separan a los grupos indígenas para hacerlos vulnerables. En noviembre de 1991, oficiales del CRLOE declararon que necesitaban documentar estadísticas físicas de 500 karen viviendo en las ciudades para, según declararon, un proyecto de las Naciones Unidas. Tomaron pruebas de sangre de esta gente, y fueron tomadas medidas de la circunferencia de la cabeza, el largo de la nariz y el tamaño de la quijada. No es claro cual fue el propósito de este ejercicio – si fue un caso de persecución, o un atentado sistemático para infectar a esta gente con enfermedades particulares.

Recientemente, muchos pueblos a lo largo de la frontera han sido destruidos. Los aldeanos fueron forzados a cortar sus árboles frutales. Su ganado fue destruido y ellos fueron reubicados en campos de concentración.

Las Universidades en Birmania han estado cerradas por tres años. Más de trescientos profesores universitarios y catedráticos fueron mandados a reeducación porque no pudieron controlar a sus estudiantes durante las demostraciones en pro de la democracia.

Señora Presidente, le presento a Usted que la condición de los pueblos de Birmania es extremadamente grave.

Los problemas de Birmania han ido más allá de las fronteras nacionales. Los pueblos de Birmania cuentan con las Naciones Unidas para que los ayuden a traer paz a su país.

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Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

Informe de la Delegación Observadora de la Unión de Myanmar

Por: U Mya Than

Sra. Presidente:
Permítaseme comenzar por felicitarla por su unánime elección como Presidente/Informante de la Décima Sesión del Grupo de Trabajo sobre Poblaciones Indígenas. Sus elecciones consecutivas a la presidencia del Grupo de Trabajo desde su mismo comienzo, brindan testimonio de su amplia experiencia y su profunda sabiduría, y de las importantes contribuciones que Ud. ha realizado al Grupo de Trabajo. Hacemos extensivas nuestras felicitaciones también a los otros miembros distinguidos del Grupo de Trabajo.

Sra. Presidente:
Permítame informar brevemente al Grupo de Trabajo sobre la harmonía racial que tan afortunadamente existe entre las razas nacionales de mi país y también sobre alguna de las medidas que estamos actualmente implementando en Myanmar para el progreso de nuestras razas nacionales.

La Unión de Myanmar está constituida por ocho importantes razas nacionales que pueden ser subdivididas en 135 grupos raciales nacionales. Estas importantes razas nacionales son los *bamar, shan, kayin (karen), rakhin (arakan), mon, chin, kachin* y *kayah*. Estas razas nacionales son razas indígenas nacionales de la misma raíz mongoloide.

Los etnólogos están de acuerdo que los pueblos de Myanmar son de raíz mongoloide. Los filólogos han identificado el lenguaje de la mayoría de los pueblos de Myanmar como derivado de los grupos *tibeto-birmano, chino-tai*, y *mon-khmer*. Por lo tanto, las razas indígenas de Myanmar, es decir, los bamar, shan, kayin (karen), rakhin (arakan), mon, chin, kachin y kayah tiene ancestros que se remontan muchos siglos. Los historiadores, etnólogos y antropólogos mantienen firmemente que nuestros ancestros se remontan a 3.000 años – aproximadamente entre 1300-1200 A.C. Estos ancestros mongoloides vinieron de la meseta asiática central.

Antes, todo el norte de Myanmar y una gran parte del sur de Myanmar eran vastas inmensidades de tierra selvática casi deshabitada, y un inmenso El Dorado esperando ser colonizado. La existencia de estos espacios vacíos fue como un imán que indujo una gran migración desde los tiempos conocidos más remotos. Las migraciones no fueron continuas y rápidas, sino intermitentes y graduales. A los inmigrantes les llevó siglos llegar a Myanmar.

No hay una clara distinción entre primeros inmigrantes e inmigrantes tardíos. Nosotros en Myanmar no tenemos ningún problema con las poblaciones indígenas, del tipo de los que son tratados por este Grupo de Trabajo. Tradicionalmente, la relación interna entre los grupos nacionales indígenas comparadas con las anteriores, han sido de interacción política, económica y social, basadas en un modelo de mutuo acuerdo. La interacción entre estos grupos raciales nacionales, encaminándose hacia la integración, harmonía y la síntesis nacional, constituye un continuo tema en la historia registrada de Myanmar.

La Unión de Myanmar es un estado compuesto de siete estados y siete divisiones. Todas las razas nacionales importantes y los grupos raciales nacionales, a los cuales me he referido anteriormente, han vivido juntos desde épocas inmemoriales en los tiempos buenos y en los malos. Es nuestra firme convicción que la fuerza de la Unión yace primariamente en nuestro país, y no sin él. Sucesivos gobiernos del Consejo de Restauración de la Ley y el Orden del Estado, adhieren firmemente a esta visión nacional. Las tres principales causas, la integridad nacional, la solidaridad nacional y la soberanía nacional, son los pilares fundamentales de nuestra Unión.

Permítame tocar brevemente lo que mi gobierno está haciendo para elevar los niveles económicos y sociales del pueblo, particularmente con respecto a nuestras razas nacionales que viven en las áreas fronterizas. Como uno de los pasos básicos en dirección a ese objetivo, mi gobierno está implementando un programa para el desarrollo de áreas fronterizas y razas nacionales. El principal impulso del programa es sentar la infraestructura para el desarrollo económico y social. Esto incluye la construcción de caminos y puentes, escuelas y hospitales, diseminación de técnicas agrícolas modernas y distribución de semillas de alta calidad, distribución de electricidad, expansión de la red de teléfonos y modernización de los sistemas de comunicación, y la plantación de cosechas comerciales para sustituir al cultivo de la amapola. Mi delegación quisiera llamar vuestra atención al hecho de que estas áreas fronterizas no han recibido, hasta el advenimiento del Consejo de Restauración de la Ley y el Orden del Estado, mucha atención con respecto a la promoción del desarrollo económico y social. Mi gobierno ha gastado 890,2 millones de *kyats* (U$ 147,58 millones) desde mayo de 1989 hasta mayo de 1992 durante un período de tres años para estos proyectos de desarrollo. Nueve agencias de la ONU están cooperando con el gobierno de Myanmar en la implementación de los programas de desarrollo de las áreas fronterizas. Como resultado de la exitosa implementación de este programa, el gobierno de Myanmar ha ganado los corazones y la consciencia de las razas nacionales de las áreas fronterizas.

Mi país está actualmente sufriendo una importante transformación, tanto económica como política. Desde la última parte de 1988, hemos reemplazado la economía de planificación central con un sistema orientado hacia el mercado. Las empresas privadas, no sólo las empresas domésticas sino también las empresas extranjeras, son bienvenidas. Numerosas empresas extranjeras, grandes y pequeñas, están jugando un papel en el desarrollo de la economía de Myanmar. En la arena política, el Consejo de Restauración de la Ley y el Orden del Estado, ha celebrado recientemente una Reunión de Coordinación con los representantes electos de los

partidos políticos e independientes, para discutir y coordinar la convocatoria de una Convención Nacional. Los partidos políticos representados en la reunión incluyeron partidos que representan las razas nacionales de Myanmar. El propósito de la Convención Nacional es sentar principios básicos a ser incluidos en la nueva Constitución que va a ser redactada por los representantes electos. Esta nueva Constitución estará basada en el sistema democrático multipartidario, de acuerdo con los deseos y aspiraciones de las razas nacionales de la Unión.

Me he referido antes a la gran importancia adjudicada por mi gobierno a la solidaridad nacional. En vista a asegurar la amistad entre todas las razas nacionales, todas las operaciones ofensivas militares en el estado de Kayin han sido suspendidas desde abril de 1992. Las operaciones ofensivas en contra de otros grupos terroristas armados fueron también suspendidas al mismo tiempo. Grupos insurgentes armados que han renunciado el camino de la lucha armada y han retornado al marco legal, podrán participar en el proceso político en marcha.

Sra. Presidente:
En su declaración de apertura de esta sesión, ha aconsejado sabiamente al efecto de que este Grupo de Trabajo no debería ser usado como una plataforma para ventilar quejas o efectuar alegatos, directa o indirectamente. Mi delegación nota, lamentablemente, que una cierta persona bajo el nombre de una organización se ha aprovechado de este foro. Debo decir que esa organización representa una organización armada, comprometida en actividades que han degenerado en terrorismo, asolando el campo remoto. Aunque esta organización ubica ostensiblemente la causa de ese grupo racial nacional como cosa primera, en la práctica están efectuando levas ilegales de la población rural, cobro de peaje a los contrabandistas, y cometen actos de crueldad tales como minar vehículos motorizados y botes. La aplastante mayoría de personas pertenecientes a este grupo racial nacional siguen una vida normal y pacífica y están comprometidos en los procesos políticos, económicos y sociales de Myanmar. Mi delegación espera que este foro tome las medidas necesarias para impedir que personas de esas organizaciones tomen parte en estas deliberaciones.

Gracias, Sra. Presidente

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anuario 1991

El Anuario da una visión general de los acontecimientos más importantes acaecidos durante el año relativos a los pueblos indígenas del globo. *US$ 10*

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Grupo de Trabajo sobre Poblaciones Indígenas de las Naciones Unidas

El Grupo de Trabajo de las Naciones Unidas – Donde lo Sublime se encuentra con lo Ridículo

Por: Andrew Gray

Cualquier turista que planee una visita breve a través del Palacio de las Naciones Unidas en Ginebra a finales de julio arriesga llevarse una sorpresa. Además de la usual camarilla diplomática de representantes gubernamentales de los derechos humanos, con sus brillantes trajes, haciendo buen uso de los generosos viáticos para resolver los problemas del mundo, el turista encontrará una nueva experiencia. Mirando boquiabierto desde el balcón del nuevo edificio de las Naciones Unidas en dirección a la cafetería, el visitante se preguntará si se habrá tropezado con una escena de muchedumbres de una versión futurista de »La Ultima Resistencia de Custer«. Pareciera que pueblos indígenas de todo tipo se han apoderado de las Naciones Unidas. Algunos de ellos vestidos con ropas llenas de colores o hasta de vez en cuando con plumas, y todos exudan determinación – autodeterminación.

Tal vez doscientos representantes indígenas no igualen el poder de las Naciones Unidas pero, por su presencia, los representantes del gobierno y funcionarios de la ONU están forzados a enfrentar al mundo real. Por una vez tienen que enfrentar humillaciones innobles tales como tener que hacer cola para una taza de café, esperar a un taxi o incluso encontrar que el salmón ahumado en el restaurante se terminó. El poder de los pueblos indígenas en Ginebra es muy pequeño pero importante y es muy visible durante la única reunión anual de las Naciones Unidas -el Grupo de Trabajo sobre Pueblos Indígenas- cuando durante dos semanas el mundo se pone de cabeza.

Pero si el Grupo de Trabajo le pareciera extraño a un turista, imaginen el choque cultural para aquellos indígenas que por primera vez entran al enorme y monstruoso elefante blanco conocido como el Palacio de las Naciones. Más de un kilómetro de una punta a la otra, lleno de guardias con uniformes azules, secretarias muy maquilladas y diplomáticos relucientes; el Palacio es un estado de estados.

Aún mas extraño, sin embargo, son las raras actividades en torno del propio Grupo de Trabajo. En 1992 estos eventos tomaron una forma hasta ahora sin precedentes cuando un extraordinario acontecimiento cruzó la mirada de dos representantes indígenas amazónicos. A mediodía estaban regresando al edificio de la ONU después de una reunión en Ginebra. A las puertas del Palacio de las Naciones, los dos jóvenes se enfrentaron con un espectáculo. En la plaza de césped enfrentando la entrada, un ritual extraño se estaba llevando a cabo. Boquiabiertos, los indígenas amazónicos se maravillaron ante un grupo de lo que parecían ser indios europeos, blancos, no-indígenas interpretando una danza. ¿Eran estos miembros verdaderos de la tribu de los wanabee – qué indios »wanabee«? Con el torso desnudo, pálidos y lampiños, los hombres traían puesto taparrabos y borceguíes, mientras que las mujeres bailaban a su alrededor con carretas de madera conteniendo racimos de niños. En el centro del tumulto, un grupo de sudamericanos del altiplano tocaba las flautas de pan (zampoñas) alrededor de la figura solitaria de un hombre de apariencia salvaje con una vincha en la cabeza tocando una concha de mar.

Esta conglomeración de indios blancos bailando un son indígena mientras que los delegados indígenas miraban con asombro y diversión, sintetizaba la ironía de todo el proceso del Grupo de Trabajo. En un momento el baile era una conmemoración de los 500 años de opresión y resistencia mientras al siguiente, el mundo indígena parecía haber tropezado con alguna nueva representación salvaje de aquellas novelas de Carl May, las cuales en la primera parte de este siglo establecieron el modelo del Indio Blanco de Europa de hoy en día.

Dentro de las Naciones Unidas, sin embargo, una ceremonia, no menos extraña, se estaba llevando a cabo. Una vez más la interpretación fue organizada dentro de un círculo. El edificio nuevo que hospeda al Grupo de Trabajo contiene cuartos circulares enormes, capaces de albergar a 500 personas. Como en el baile, la mayoría de los intérpretes indígenas están en la periferia del ritual, aunque invitados a participar. El misterioso círculo de danzantes en la reunión, sin embargo, no son indios blancos, sino otro grupo de intérpretes estrafalarios – los representantes de los gobiernos.

El círculo interno de la reunión consiste de cinco expertos legales de diferentes partes del globo, quienes están comprometidos en establecer las normas para los derechos de los pueblos indígenas. Durante dos semanas cada verano, los expertos escuchan las declaraciones de cientos de representantes indígenas que vienen de todas partes del mundo para dar a conocer sus casos a la comunidad internacional. El grupo tiene ahora una declaración preliminar de los derechos de los pueblos indígenas basada en la información que han estado recibiendo durante los últimos diez años.

La Maestra de Ceremonias es la Dra. Erica Daes. Es experta en derecho internacio-

Erica Daes, Presidente.
Foto: Archivos de IWGIA.

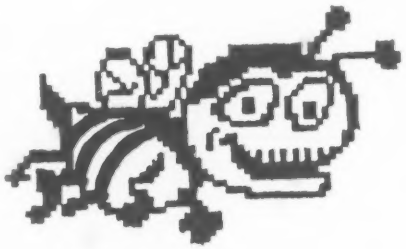
nal, de Grecia, y recibe mucho afecto de los pueblos indígenas por todo su trabajo incansable de promover la Declaración a través de las etapas difíciles del Grupo de Trabajo. Al mismo tiempo impone respeto de una manera fuertemente maternal y le gusta tener orden en sus reuniones. A diferencia del líder de la danza fuera de la ONU, ella no toca la concha de mar desde su lugar central, sino que golpea su martillo para mantener la ingobernable danza de la reunión en movimiento. Sus razones son por lo general callar a cualquier representante indígena a quien ella considere demasiado gárrulo o para despertar a los miembros del Grupo de Trabajo y a los representantes de los gobiernos, repletos de los excesivos almuerzos, ingeridos diariamente entre la una y las tres de la tarde. De esta manera la reunión discurre suavemente a través de dos semanas de discusión.

La reunión ha consistido, durante tres años, de una semana de discusión del establecimiento de normas y el texto de la declaración preliminar sobre los derechos de los indígenas, mientras que la segunda semana está reservada para un informe de los acontecimientos que se han sucedido durante los 12 meses previos. Esto permite a los representantes que vienen de todas partes del mundo explicar las condiciones bajo las que viven.

Algunas de las criaturas más bailarinas en el mundo de los insectos son las abejas. Dentro de la enorme antesala circular de la ONU donde el Grupo de Trabajo toma lugar, el techo irradia la luz refractada por cientos de rectángulos de plástico colgando dentro de un verdadero panal. La impresión es de estar dentro de una gran colmena.

Cuatro miembros del Grupo de Trabajo están sentados en un banco con forma de herradura, a los pies del estrado, donde la presidente (su término preferido), preside. Zumbando alrededor de la abeja reina del Grupo de Trabajo están las abejas obreras del Centro de Derechos Humanos, cuyo trabajo es asegurar el suave transcurso de la reunión, copiando, coordinando y comunicándose con los oradores. Las abejas obreras ganan poco o nada ya que la recesión ha golpeado a las Naciones Unidas como una venganza. Si las cosas continúan como hasta ahora, no pasará mucho tiempo antes de que veamos a los funcionarios de la ONU zapateando junto con los indios blancos fuera del Palacio.

Desesperados por fondos (los cuales, por supuesto, vienen de los gobiernos), la primera regla del Grupo de Trabajo es que uno tiene que ser cortés con los gobiernos. Se les refiere por lo general con términos tales como...«el distinguido representante del gobierno observador de...« y se les agradece profusamente por sus esfuerzos. En contraste, a los representantes indígenas se les urge limitar sus presentaciones y si hablan más de diez minutos escuchan el golpe del omnipresente martillo y reciben un llamado al silencio.



Los representantes del gobierno en la colmena son los zánganos. No solamente hacen de sus mesas un salón, leyendo sus papeles y dormitando calladamente, sino que cuando hablan es seguro que lanzarán descargas verborrágicas dentro del vertiginoso reino de la retórica burocrática mientras que siguen zanganeando (y así sucesivamente).

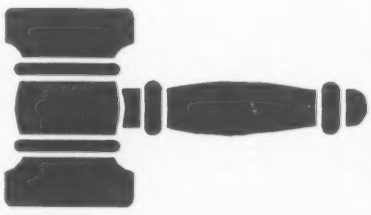
Aunque el Grupo de Trabajo no es una cámara de quejas, en este foro único los pueblos indígenas, supuestamente impotentes, tienen la oportunidad de decirle al mundo y a sus gobiernos lo que sienten. Una declaración bien dirigida por un representante indígena puede tener el efecto maravilloso de despertar a un gobierno adormecido y provocar una discusión. Sin embargo, éste no es siempre el caso. Para poder manejar al Grupo de Trabajo más efectivamente, los gobiernos han tomado aspectos ritualistas de comportamiento dignos de analizar por un auténtico científico social.

India, por ejemplo, hace la misma declaración todos los años, negando la existencia de pueblos indígenas en su país. La misma referencia al sociólogo Andres Betaille para respaldar su reclamo es de una tenacidad perenne. Indonesia y Birmania regularmente acusan a los participantes de ser terroristas – por lo general dirigiendo sus comentarios a algún benigno monje indígena o a una anciana mujer retirada.

Ocasionalmente ocurren algunas innovaciones, las cuales llevan a la invención de tradiciones. Este año Bangladesh, por ejemplo, excepcionalmente hizo una broma. Los observadores bien informados dicen, aparentemente, que ésto fue una aberración que probablemente no será repetida. El embajador se refirió a la posibilidad de que haya informantes especiales de la ONU »bajo toda cama nupcial«, un concepto extraño, aún tomando en consideración que en Chittagong Hill Tracts las fuerzas armadas probablemente ya estén allí.

Los gobiernos septentrionales de Canadá, Australia, Nueva Zelanda y de los países Escandinavos tienen sus rivalidades. Cada delegación compite para ser la más interesada en los procedimientos sin ser demasiado progresista. Canadá demuestra su interés aportando la mayor delegación. Al entrar a la sala uno siempre puede ubicar a los canadienses que, con una magnífica demostración de eficacia, se amontonan, diez personas barboteando alrededor del micrófono, ansiosos de que ninguna declaración progresista pase sin protesta.

Escandinavia y Nueva Zelanda por lo general muestran su interés trayendo delegados indígenas los cuales se unen a los representantes del gobierno en momentos cuando nada muy substancial está en discusión. Sin



embargo Australia ha estado ganando la competencia en los últimos años al traer su arma secreta – Robert Tickner, Ministro de Asuntos Aborígenes. El eleva exitosamente el estatus de la delegación y puede hablar el tiempo que quiera – el martillo no golpea para el gárrulo Tickner.

Lo triste sobre los representantes de los gobiernos en el Grupo de Trabajo es que, muy frecuentemente, como Cristóbal Colón, no saben realmente donde están o qué es lo que se supone que tienen que hacer. pueblos indígenas y, notando el alto ritmo de rotación de los representantes gubernamentales en el Grupo de Trabajo, es muy frecuentemente la última.

Los representantes indígenas constituyen la mayoría en la reunión. Llegando de todas partes del globo brindan una deslumbrante y ocasionalmente colorida colección de trajes, abarcando desde los taparrabos de las Molucas del Sur, las ocasionales plumas amazónicas y los magníficos textiles de Guatemala, hasta los elegantes trajes de tres piepoder discernir cuando le llega el tiempo para hablar. Si por alguna razón uno no está en la sala cuando es llamado por la Presidente, pierde su oportunidad.

Las escenas de muchedumbres del Grupo de Trabajo están suplementadas por el aumento incesante de personas no indígenas, apresurándose de un lado para el otro. ¡Qué variedad de personas se unen a la multitud! Refuerzos de »distinguidos« abogados internacionales, resplandecientes en las últimas teorías sobre autodeterminación, se pavo-

El zumbido de la colmena. Foto: Archivos de IWGIA.

Imagínese el efecto sobre un pobre joven diplomático latinoamericano con una crianza protegida y una educación privada, esperando pasar unos años agradables en Ginebra. Después de dos semanas de haber llegado a Europa es arrojado dentro del Grupo de Trabajo sobre Poblaciones Indígenas. Está dentro de una madriguera de leones indígenas, que se aferran de cada palabra cuando trata de defender lo indefendible. Para algunos esto podría ser la primera confrontación que en su vida han tenido con zas de los abogados indígenas de América del Norte.

Empuñando sus textos, los representantes indígenas tienen que sufrir una complicada rutina para que se les sea permitido hablar. Primero tienen que poner sus nombres en una lista de oradores. Esto implica encontrar al Secretario del Grupo de Trabajo y unirse a la larga cola de suplicantes quienes cada uno inscribe su nombre. En cuestión de horas la lista se hace interminable. Un delegado necesita estar doblemente atento para nean y hacen maniobras para conseguir asientos, aferrados a copias de sus últimos tomos sobre derechos humanos.

Mientras tanto gallardas y deliciosas jóvenes comprometidas con la causa, se afanan a través de la sala recogiendo documentación ante la inquietud de la Presidencia. Al final de cada discurso hordas de observadores de todo tipo se abalanzan sobre el conferenciante anterior para obtener desesperadamente las codiciadas copias del discurso. Las abejas zumban y a la abeja reina no le gusta

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el desorden en su colmena. Los golpes del martillo y una voz tronadora condenan a los delincuentes, ordenándoles recoger sus papeles en el fondo de la sala. Pero en el momento que el martillo golpea, las abejas se zambullen inmediatamente en sus sillas y pretenden que siempre han estado sentadas allí. Pero como en un juego musical de sillas (»...el que fue a Sevilla, perdió su silla...«), no hay lugares suficientes para todos y alguien por lo general termina en el suelo. Con las manos cruzadas como niños traviesos agarrados en falta por la maestra, el participante trata en forma tentativa de evitar la mirada de la indomable »Aquella Quien Debe Ser Obedecida«.

Una plétora de mirones son atraídos al pote de miel del Grupo de Trabajo. ONG de todas formas y tamaños encuentran un lugar para observar los procedimientos, ya sea bajo sillas y mesas en la cafetería o colgando del techo de la galería. Además, racimos de estudiantes en extrañas indumentarias, observan atentamente desde las alas de la sala. Y además están, por supuesto, los antropólogos. Evidentemente son omnipresentes – armados con libretas de apuntes y grabadores. Faltándoles nada más que el gorro de explorador y la mochila, encuentran en Ginebra un lugar exótico, hasta ahora no estudiado, donde pueden acceder a delegados de apariencia salvaje para realizar entrevistas científicamente garantidas. Los pueblos indígenas y su foro internacional son ahora el centro de estudios.

Pero el orgullo del lugar lo constituye la ONU en sí misma. La ONU opera con su propio sistema policial y tiene controles que son leyes en sí mismos. Los indígenas participantes en el Grupo de Trabajo han desafiado estas reglas como nunca antes.

Los guardias nunca revisan por bombas pero los bebés parecen ser la mayor amenaza al orden mundial. Miradas sospechosas son lanzadas hacia las jóvenes mujeres que pasan – quizás tengan un bebé escondido en su maletín. Cuando una delegada mapuche quiso llevar a su bebé dentro del edificio en una silla de bebé, este año, dio lugar a acontecimientos extraordinarios. »Prohibida la entrada. No hay nada que hacer«, dijeron los guardias. Cuando fueron desafiados a explicar este extraño proceder, una larga lista de excusas afluyó. »Los pavos reales salvajes son peligrosos, podrían comerse a los niños« expresaron llenos de imaginación. Nadie ha visto realmente a un pavo real dentro del edificio de la ONU y aquellos en los jardines son presumiblemente tan peligrosos como los pavos reales que adornan los jardines de los bares, restaurantes y castillos de todo el mundo. Los guardias cambiaron de táctica – »los niños podrán caerse por las escaleras«. La joven madre insistió, a lo que los guardias dijeron que ella no podía entrar porque madres con hijos pequeños no pueden trabajar en realidad. Las fuertes protestas de los visitantes indígenas y no-indígenas frente a este tratamiento, forzaron a la ONU a »hacer una excepción« y en un acto sin precedentes respetaron tanto los derechos de las mujeres como de los niños al mismo tiempo.

Aparte de las declaraciones indígenas frente al Grupo de Trabajo, el principal debate de la reunión de este año fue sobre la velocidad por la cual la declaración tendría que moverse a través del sistema de la ONU – rápida o lentamente. Los pueblos indígenas piensan todavía que frente a tamaña discrepancia entre la comprensión de los gobiernos y las aspiraciones indígenas, ningún consenso genuino puede emerger rápidamente entre los gobiernos y los pueblos indígenas.

Basándose en las declaraciones de los gobiernos parece que la mayoría de ellos no han entendido realmente las implicaciones de los derechos indígenas. Muchos gobiernos piensan todavía que la autodeterminación llevará a la secesión de miles de comunidades indígenas, todas ellas tratando de establecer estados. También tienen miedo que el reconocer derechos territoriales lleve a que los pueblos indígenas se tornen más ricos que las élites que los oprimen. Además la preocupación sobre los derechos culturales y de autogobierno apareja un temor aún más horrible, que los pueblos indígenas puedan tratar a los gobiernos de la misma manera que ellos han sido tratados a través de la historia. Un encare bastante poco práctico de las cuestiones.

La mayor ironía de la reunión fue que la ONU, que es una de las más lentas, más incómodas y trabajosas instituciones de la historia de la humanidad, estaba siendo detenida por los pueblos indígenas en la reunión, quienes querían que las cosas se desarrollaran lentamente. Pero tal como dijo un representante indígena – »hemos esperado 500 años para que se reconocieran nuestros derechos, así que podemos esperar seguramente un poco más hasta que se entienda realmente lo que queremos.«

En el último día de la reunión, hubo que realizar diversos rituales. Miguel Alfonso Martínez, un miembro del Grupo de Trabajo, abogado internacional cubano, está trabajando en un Estudio del Tratado y otros acuerdos entre pueblos indígenas. (Un abogado cubano examinando, entre otras cosas, Tratados Norteamericanos es otra de las maravillosas ironías del Grupo de Trabajo). El Profesor Alfonso Martínez atormenta regularmente a la reunión con la posibilidad de que no haya ningún informe detallado – este año se echó las culpas a enfermedades y a un computador que no funcionaba bien. Pide la palabra ¿lo hará? Luego, cuando el martillo parece levantarse en el aire acompañado por una severa mirada de la presidencia, una hora y media de informe es emitido en forma tumultuosa.

La tarde se pierde en discusiones del Año Indígena 1993. La ONU ofrece a los pueblos indígenas todo mientras que no cueste nada. Quizás la ONU se tendría que autoprivatizar y buscar patrocinio. El Grupo de Trabajo podría ser patrocinado por la Coca Cola o los intereses mundiales del uranio... Pero éste es sólo el comienzo. Las delegaciones patrocinadas podrían lucir camisetas con reclames y hasta los documentos oficiales podrían ser puestos al mejor postor -quizás en publicación conjunta con el Pentágono- e incluso un suplemento sensacionalista del Grupo de Trabajo...

Luego, a último momento, los delegados apretaron filas cuando la caballería indígena, en la figura de la abogada cree Sharon Venn aparece en la sala. Se suponía que ella estaría en otra parte, pero había sido elegida como delegada para efectuar las recomendaciones de los pueblos indígenas para el futuro del Grupo de Trabajo. Gracias a algún rápido manejo de horarios de trenes o una capacidad shamánica de estar en dos lugares al mismo tiempo, ella llega para presentar la propuesta indígena de 14 organizaciones abogando por que la Declaración se tome el tiempo necesario para incluir los derechos fundamentales de los pueblos indígenas. El martillo queda suspendido en el aire, asombrado frente a esta sorpresiva aparición final y el Grupo de Trabajo acuerda tomar plena nota de la sugerencia. Luego el martillo se estrella para marcar el fin de la danza de este año.

Sin embargo, la impresión general de 1992 es la completa mezcla irónica de lo sublime con lo absurdo. El acontecimiento que ilustra ésto claramente es la combinación de la danza en la entrada de la ONU y la danza del mismo Grupo de Trabajo. Durante la primera semana los pueblos indígenas aspiraban a un momento de silencio por los indígenas que perdieron sus vidas durante los últimos 500 años. Inicialmente fue negado. Sin embargo, los pueblos indígenas mismos acordaron que insistirían con la cuestión.

Fue solicitado permiso otra vez y la mañana siguiente los indígenas estaban de pie en un círculo alrededor de la sala. Repentina-

mente suaves entonaciones melodiosas de Aotearoa surgieron del centro de la sala. Un anciano, con la fuerza espiritual de sus ancestros, silenció la sala. Una irritada Señora Presidente suspendió la reunión y abandonó el martillo. Los largos tonos melodiosos de Aotearoa fueron seguidos por cantos sagrados de América Central y del Sur y plegarias de América del Norte. Un hechizo momentáneo unió a todos – gobiernos, pueblos indígenas y observadores, todos fueron parte del mismo círculo durante un instante.

Luego el hechizo se quebró cuando un maestro de ceremonias emergió y la reunión trató de bailar alrededor de la sala. Lenta pero seguramente los gobiernos, las ONG de pueblos indígenas se movieron pesadamente alrededor de la sala como un gigantesco pollo decapitado. Cuando los ecos melodiosos de los cantos indígenas desaparecieron, el movimiento trabajoso, arrastrando los pies, de los delegados tratando de encontrar el camino a través de la sala, hizo que varios representantes levantaran la vista y se miraran. Se echaron a reír. Las plegarias profundamente emocionantes y el total absurdo de la danza se enfrentaron en forma intransigente. Es esta mezcla de lo sublime y lo ridículo que hace que el Grupo de Trabajo sea, a final de cuentas, una experiencia política muy intensa.

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DOCUMENTO IWGIA Nº 14 por Andrew Gray

Entre la integridad cultural y la asimilación:
Conservación de la biodiversidad y su impacto sobre los pueblos indígenas

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Conservación y su problemática:

los Lumad defienden el Parque Nacional del Monte Apo contra el ataque del gobierno

Filipinas

Por: Danilo Geiger

*»Nosotros los **datu** (jefes y líderes), por lo tanto, nos debemos preparar (...) porque el demonio del norte va a venir. El demonio, cuyo corazón es ocho **dangkal** (una medida indígena) de ancho, está armado con una caña en forma de luna para arrebatarnos nuestra tierra.*

*Estamos pidiendo a Apo Sandawa (...), Apo Tulalang y Apo Bayvagan y otros **bagani** (guerreros) de nuestros antepasados que nos den fuerza y el permiso del bambú para nuestras flechas, del **bahi** para nuestras lanzas, del árbol **kalifod** para nuestros **balatak** (escudos) para pelear contra cualquiera que quiera arrebatar nuestros dominios a nuestra raza.«*

Cita de la Declaración de Principios del convenio de paz *d'yandi*, forjado por representantes de nueve grupos étnicos *lumad*. Abril 13, 1989.

Data desde finales de los setenta que semejante declaración ferviente en contra de los abusos corporativos sobre la tierra ancestral pudo ser oída por última vez de parte de los pueblos indígenas del país. Desde hace casi cinco años, parte de los lumad de Mindanao han estado ocupados luchando contra un demonio llamado Compañía Nacional Petrolera de Filipinas (PNOC) la cual ha tratado de explotar energía geotérmica de un campo debajo del Monte Apo, el pico más alto de Filipinas (2.954 m.) y el centro del área poblada por los *bagobo* así como por otros grupos lumad. Está también en juego una de las reservas botánicas más ricas de todo el sudeste de Asia y el último habitat restante del águila filipina en peligro de extinción. Mientras tanto el gobierno de Aquino ha estado exhibiendo desprecio por las leyes nacionales y prescripciones constitucionales sobre protección ambiental.

Mientras que el asunto ha estado quieto a través de 1990 y 1991, recientes acontecimientos están indicando un dramático aumento del conflicto. Con la atención nacional e internacional en las elecciones presidenciales del 11 de mayo y una aparente escasez de energía como un argumento de bienvenida, el gobierno filipino ha enviado sus tropas para forzar la instalación de las plantas geotérmicas.

Santuario en venta: una breve historia del conflicto

En reconocimiento de sus características ecológicas únicas, el área del Monte Apo fue declarada Parque Nacional por el Presidente Manuel Quezon en 1936. Hogar de 84 especies de fauna, muchas de ellas endémicas del país, el Monte Apo fue incluido en la lista de Parques Nacionales y Reservas Equivalentes de las Naciones Unidas y posteriormente también proclamado Patrimonio Nacional de la Asociación de las Naciones del Sudeste Asiático (ASEAN) a principios de los ochenta. De acuerdo tanto con la ley filipina como a los acuerdos internacionales obligatorios sobre exploración y explotación de recursos y otras actividades de naturaleza comercial, estas están prohibidas dentro de Parques Nacionales.

Cuando el gobierno de Marcos en los setenta hizo esfuerzos para invertir en la producción de energía geotérmica para poder reducir la dependencia energética del país del petróleo, del carbón y de la energía hidroeléctrica, uno de los campos de vapor más potentes avizorado por la agencia principal de Manila en exploración de energía, el PNOC, era el campo del Monte Apo de 500 MW. Explotándolo, Filipinas, ya el segundo mayor productor de energía geotérmica del mundo, podría haber aumentado su capacidad geotérmica en más del 50%. Armado con documentos legales inadecuados, PNOC empezó las actividades de exploración dentro del parque en 1985, culminando con la construcción de dos pozos y un camino de 8,5 km. dentro de, hasta entonces, una parte inaccesible de la reserva.

No fue hasta 1987 y 1988 que organismos del gobierno bajo el Departamento del Medio Ambiente y de Recursos Naturales (DENR) finalmente intervinieron, ordenando la suspensión de las operaciones. Un memorándum a la Presidente Aquino por el Secretario de DENR, Fulgencio Factoran Jr., del 25 de julio de 1988, llamó al desarrollo de energía geotérmica dentro del parque, »evidentemente ilegal« y aconsejó al PNOC que por lo menos sometiera una minuciosa Evaluación de Impacto Ambiental (EIA) sobre las implicaciones ecológicas y sociales del proyecto. El asunto resultó también en varias resoluciones legislativas de parte de los senadores y diputados quienes, o bien

solicitaron una investigación o la absoluta detención del proyecto.

Debido a estos impedimentos y sustentado por la creciente presión de las organizaciones lumad e iglesias y círculos ambientalistas comprometidos, el asunto se mantuvo en un limbo entre diciembre de 1988 y enero de 1992. Los financiadores del proyecto, el Banco Mundial y el Banco de Desarrollo Asiático (ADB), pudieron ser influidos por las organizaciones internacionales ambientalistas, de derechos humanos y las organizaciones lumad para abstenerse de seguir financiando el proyecto. El 23 de octubre de 1989 el Banco Mundial anunció que estaba dispuesto a diferir su decisión final hasta después de 1992 y que había aconsejado a PNOC de buscar sitios alternativos para el controvertido proyecto.

Diversos pero relacionados intereses unen las comunidades y organizaciones lumad, el movimiento doméstico ambientalista y la iglesia en oposición a las plantas geotérmicas del Monte Apo. Una amplia alianza llamada »Grupo de Tareas Sandawa«, que incluye a más de 12 ONG indígenas y no indígenas, ha sido fundada en Manila para conducir campañas nacionales e internacionales sobre el asunto. Sus actividades – las cuales incluían, entre otras, incesante trabajo de »lobby« en el Congreso, intervenciones legales, participación en foros públicos internacionales y la filmación de una película en video sobre este asunto – han sido culminadas recientemente con la celebración de una Conferencia de Solidaridad Nacional del Monte Apo, el 29-30 de abril de este año.

Seis grupos etnolingüísticos entre los 18 o más que comprenden a los lumad de Mindanao, están unidos a través de vínculos territoriales directos y espirituales con el Monte Apo. Para todos ellos, pero sobre todo para los 90.000 bagobo, el macizo montañoso no es solamente todo lo que queda de su una vez extensa base territorial, sino una señal crucial en su universo social y espiritual. Entre los bagobo, el Monte Apo es descrito como Apo Sandawa, el nombre de un antepasado mítico que significa »El Guardián Permanente«, ya que es la morada de importantes espíritus ancestrales. Las deidades bagobo como Mandarangan, un importante dios guerrero, dominan sobre el área. No en vano portavoces bagobo, como Datu Sauro Pontogan, compara a la perforación de pozos geotérmicos en el Monte Apo con la perforación en el piso de la Catedral de Manila. Ellos explicaron:

»Apo Sandawa es la iglesia de los lumad donde nuestros abuelos acostumbraban hacer ofrendas. Es un lugar sagrado lleno de maravillas. Si es destruido, nuestras vidas no tendrán significado y nuestras tribus y cultura desaparecerán...«

Considerándose los administradores de la montaña, y como tales mandatados por los espíritus para preservar su santidad ecológica y espiritual, los bagobo, junto con otros grupos lumad y otros partidarios de fuera, constituyeron la primera petición al Presidente Aquino en octubre de 1988, pidiéndole que negara a PNOC el acceso a su dominio ancestral en el Monte Apo. Al no recibir ninguna respuesta y temiendo la reanudación del proyecto, los bagobo junto con aliados de otros ocho grupos étnicos lumad, el 13 de abril de 1989 solemnizaron su oposición al proyecto al forjar un *d'yandi*, un convenio multilateral de paz acordando no-agresión mutua y cooperación. De esta manera, el d'yandi como una institución tradicional parece datar del siglo 13, cuando los antepasados lumad concluyeron un elaborado convenio con grupos relacionados de creencia musulmana debido al aumento de tensiones entre ellos. Un segundo d'yandi buscó la contención de la entrada de personas no-lumad en los territorios del Monte Apo, después que los americanos establecieran su dominio sobre la isla a principios de este siglo. En 1990 y 1991 el actual tercer convenio de la historia fue conmemorado y ritualmente reconstituído, esta vez haciendo explícito que se estaba dispuesto a tomar las armas si PNOC se atrevía a volver. La organización para los lumad del sur de Mindanao ALU-HAMAD (*Alyansa ng mga Lumad sa Habagatan Mindanao Alang sa Demokrasya, o Alianza de Lumad del sur de Mindanao por la Democracia*), fue la que instrumentó todos estos movimientos.

El aún joven y poco experiente movimiento ambientalista del país ha retomado el asunto con ansiedad, asegurando y exponiendo los factores ecológicos. Los ambientalistas están señalando la importancia crucial del Monte Apo como vertiente de aguas

El precio a pagar: árboles muertos a causa de las emanaciones venenosas de vapor, Apo 1-D. Foto: Danilo Geiger.

de todo Mindanao Central. En esta región, estimaron, una población de más de 123.000 personas sería potencialmente afectada por descargas venenosas de los pozos que alimentarán las dos plantas que serían construidas en el área. Desperdicios de agua de alto contenido sulfúrico han provocado, durante la fase de exploración, enfermedades de la piel entre los niños lumad y causó la muérte a varios búfalos acuáticos. Los ambientalistas admitieron que las 450 hectáreas de la futura área de operación puede ser que sea solamente una pequeña parcela del parque entero, pero sostienen que afectará lo que resta de selva originaria estimada en nada más que el 20% de la superficie del parque de 72.814 hectáreas. Señalando el caso del primer camino construido en 1987, están pronosticando que la construcción de caminos de acceso para los 18 a 40 pozos de vapor proyectados será el golpe de gracia para el parque debido a la afluencia a gran escala de colonos de las tierras bajas.

Desde el punto de vista ambientalista, las reservas geotérmicas de Mindanao, además del Monte Apo, deberán ser primeramente exploradas antes de entrar en esta área ecológicamente sensible; el Banco de Desarrollo Asiático ya ha proporcionado fondos para este propósito. Estos científicos argumentan además que la energía adicional necesitada podría venir de plantas hidroeléctricas existentes rehabilitadas y el desarrollo adicional de hidroelectricidad y otras fuentes de energía posibles.

Parece que los círculos ambientalistas filipinos se han dado cuenta de que las consecuencias de la importante y actual confrontación con el estado autoritario y desarrollista tendrá mucha importancia para las futuras luchas en defensa del ecosistema filipino. Perder la batalla del Monte Apo sería un tremendo atraso tanto para el »movimiento verde« como para las iniciativas populares locales. Sobre todo en Mindanao, donde el despojo de parte de los madereros ha alcanzado proporciones alarmantes, cada vez más frecuentemente desde 1987, hay barricadas espontáneas de caminos madereros por comunidades locales, mientras que en otras partes del país las protestas locales eran dirigidas en contra de las compañías mineras. El ecologista Pedro Walpole del »Instituto sobre Iglesia y Asuntos Sociales« jesuita, fue citado diciendo:

»Si no podemos proteger al Monte Apo, no podemos proteger nada en este país«.

La Iglesia Católica de la región, también, ha sido muy vehemente en la condena del proyecto de PNOC. El clero de Cotabato incluyendo al Obispo se han convertido en firmes aliados de ALUHAMAD y no se han dejado engañar, a diferencia de, por ejemplo, el Gobernador Provincial, por las promesas y ofertas de PNOC. Están respaldados por la influyente Conferencia de Obispos, la cual, a mediados del 88, publicó una carta pastoral de fuerte contenido en la cual exigían que la nación reconociera la inminente crisis ambiental.

Hacia el conflicto a todo vapor: escalada del gobierno de Aquino

Después de ser desairado por el Banco Mundial y bloqueado por el DENR, el PNOC recurrió a un procedimiento bien probado en tales casos: suavizar la rama ejecutiva del gobierno a través de presión política y/o económica, y producir evidencias discutibles de consentimiento local y compatibilidad ambiental. La compañía, en cuyo consejo figuraba la mitad del gabinete de la Presidente Aquino, puso gran presión sobre el DENR para que revocará su posición. Al mismo tiempo propuso nombres de corporaciones privadas de los Estados Unidos e Italia como también el de un banco del gobierno japonés, quienes estaban supuestamente dispuestos a intervenir como financiadores.

Había tempranas señales de que el ministerio ambiental del gobierno, el DENR, estaba empezando a dudar de sus obligaciones para mantener la ley de la sensatez y la integridad del Parque Nacional del Monte Apo. Ya a principios de 1989 aceptó la Evaluación de Impacto Ambiental (EIA) de PNOC (un requisito previo legal para cualquier proyecto de desarrollo de daño potencial para el medio ambiente y las poblacio-

Sigue en la pág. 34

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Estonia:
Festival Cinematográfico

Los productores de películas del este y oeste, norte y sur se reúnen cada año en la ex república Soviética de Estonia para presentar sus últimas películas documentales. La mayoría de las películas son sobre pueblos indígenas de todo el mundo, muchas hechas por los mismos pueblos indígenas.

Este año en la semana del 5 al 12 de julio, se celebró el Sexto Festival Anual Cinematográfico Antropológico. Fue llevado a cabo en el pueblo Pärnu de Estonia, en la parte suroeste de Estonia.

Como siempre, el programa del festival constituyó un mosaico de imágenes culturales de todas partes del mundo. Cubriendo un amplio espectro de asuntos, tales como pueblos indígenas, minorías en países europeos, minorías sexuales, y arqueología, el festival fue un evento instructivo.

En el festival de este año, en general se prestó mucha atención a las culturas del Artico. Parece como si esta enorme área está recobrando su presencia en las mentes de las poblaciones occidentales; al menos, es de esperar.

Entre los participantes hubo varios productores de películas de la ex Unión Soviética, así como también de Finlandia, Dinamarca, Estados Unidos, Alemania, Australia, Francia, Brasil y obviamente Estonia.

Los 40 participantes de fuera de Estonia crearon, junto con sus anfitriones, una atmósfera cordial y acogedora. Durante esta semana de proyección de películas y conferencias, fueron discutidos muchos asuntos interesantes y nacieron muchas amistades.

Fueron dados premios a las películas proyectadas en el festival. El premio para la mejor película nórdica fue otorgado a Semjon Yermolayev por su película *»The Song of the Daavo«* (La Canción de los Daavo). Vyacheslav Semjonov fue reconocido como el mejor productor. Presento su última película documental *»At the Upper Ollongro«* (En el Ollongro Superior). Tanto Yermolayev como Semjonov son de la República de Saha (ex república autónoma Yakut en la Federación Rusa). Sus respectivas películas muestran parte de las culturas *evenk*, pero al mismo tiempo, muestran sus problemas de sobrevivencia cultural y las grandes fuerzas a las cuales se enfrentan: polución, pobreza, carencia de tierra, y la falta de comprensión y cuidado de parte de las autoridades, de los pueblos indígenas del norte.

El Gran Premio fue dado a la película *»A visit«* (Una Visita), realizado por el joven productor finlandés Kari Happonen. »A visit« cuenta la historia de un joven que vive en un pueblo pequeño en el campo, de Papua Nueva Guinea Oriental. De pronto, una joven del pueblo vecino lo acusa de ser el padre de su hijo, aún no nacido. La familia de ella le exige que se case con su hija y que les dé 45 cerdos como un tipo de dote. Para poder juntar el dinero para comprar los animales, el joven se va a la ciudad de Port Moresby donde se queda a vivir con un primo. La película muestra el encuentro del joven con la vida tan diferente de la gran ciudad. Tanto como historia documental, como documental antropológico, la película es una creación original.

Mientras muestran las riquezas culturales y problemas del resto del mundo, los estonios están atravesando por un tiempo de dificultades, pero también de cambios culturales. Estonia es un país recientemente liberado, empezando de cero para crear una democracia nacional, una economía nacional, y como si fuera poco una identidad nacional. Los rusos constituyen una gran minoría en Estonia; un hecho que causa muchos problemas étnicos en la sociedad. La historia está todavía presente en las calles de Pärnu y en el corazón de los estonios. Este festival cinematográfico y otros eventos culturales son, así como importantes eventos internacionales, también considerados como medios para tratar de resolver la desdichada situación de incompatibilidad étnica y para remediar tantos años de aislamiento.

El próximo Festival se llevará a cabo del 5 al 12 de septiembre de 1993. Para mayor información, por favor contactar:

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❑

Uruguay:
Negros y descendientes de indígenas en busca de sus raíces

Por: Anahi Rama. IPS

En Uruguay, donde la población es principalmente de origen europeo, grupos minoritarios de negros y descendientes de americanos nativos han iniciado movimientos étnicos de particular energía en los últimos años.

Los negros, quienes constituyen el 4% de la población de tres millones de uruguayos, se están organizando en búsqueda de una verdadera presencia cultural y social en Uruguay el cual, en su opinión, sufre de racismo inconsciente.

»Mundo Afro« que busca representar los 140 mil uruguayos descendientes de africanos, cree que la integración racial en Uruguay es mínima porque »los canales de participación siempre han estado bloqueados para nosotros«.

El portavoz Homero Rodríguez dijo que el grupo planea organizar manifestaciones en contra de las celebraciones oficiales de los 500 años. »Analizaremos el verdadero significado de estos 500 años en los cuales nuestras comunidades han sido saqueadas y reducidas a la pobreza. Pero también planeamos hacer proposiciones concretas con respecto a la situación que enfrentamos hoy en día«.

Desde los tiempos de la esclavitud, los negros en Uruguay fueron destinados para el servicio y trabajos domésticos. Montevideo era uno de los principales puertos de entrada de esclavos negros de América Latina. Actualmente, el 75% de las mujeres negras son sirvientas domésticas, de acuerdo a estudios privados.

En el año del quinto centenario de la llegada de los españoles a América, los descendientes de los pueblos indígenas también se han empezado a organizar. Buscan cambiar las imágenes negativas de sus antepasados, comunes entre los uruguayos. La población indígena de Uruguay fue eliminada en el último siglo.

Hace dos años, un grupo de descendientes indígenas envió peticiones al Parlamento, solicitando la modificación de varios aspectos relativos a los asuntos indígenas, »desde su imagen como grupo hasta su ubicación

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geográfica y evolución«.

La mayor parte de los uruguayos ven a los indios *charrúa*, antiguos habitantes del territorio de la República, como un aspecto pintoresco pero muy irrelevante de su sociedad, que tuvo muy poco que hacer con el desarrollo del Uruguay, a diferencia de otros pueblos indígenas de otras partes del continente.

El nombre »charrúas« ha venido a ser aplicado a todos los uruguayos fuera del país, pero su imagen interna es un producto de libros de textos escolares unilaterales.

De acuerdo con algunos textos actualmente en uso, los charrúas eran »improductivos, hoscos, incivilizados, tristes, siempre serios y sin expresión«, y tenían »rasgos deformes y mutilados«.

El 11 de abril de 1831, soldados españoles e indígenas combatieron en una batalla conocida como »Salsipuedes«. En realidad, dice Elena Amestoy de la Asociación Indígena, la »batalla« fue realmente una masacre.

Después de este evento, los últimos indígenas que quedaron, Vaymaca Peru, Senaque y Guyunusa, fueron enviados a París para ser exhibidos en un Museo de la República Francesa.

La Asociación ha pedido a la legislatura uruguaya que solicite la repatriación de los restos de estos charrúas a su tierra nativa para su entierro. Varios intendentes uruguayos han apoyado la solicitud. Desafortunadamente, la Embajada uruguaya en París no ha podido localizar los restos, dejando abierta la pregunta de qué fue de ellos. ❑

Brasil:
Nuevas invasiones en el área yanomami

Los militares brasileños continúan alegando que la demarcación del área *yanomami* es inaceptable porque cubre un extenso territorio a lo largo de la frontera con Venezuela, siendo por lo tanto perjudicial para la seguridad nacional. La Comisión por la Creación del Parque Yanomami (CCPY) ha denunciado que las Fuerzas Armadas han instalado varios puestos militares, dentro del territorio yanomami.

Según la CCPY, durante la realización de la conferencia Río-92, se produjo una nueva invasión del territorio yanomami. Por lo menos 1.000 buscadores de oro, los llamados *garimpeiros*, ocuparon el área indígena de Aracaça, Alto Camacri y varios puntos de la Sierra Parima. Los garimpeiros reciben sus equipos y alimentos por pequeños aviones monomotores. La Fundación Nacional del Indio (FUNAI) informó haber visto y oído sobrevolar avionetas sobre prácticamente todas las bases gubernamentales del área indígena. Durante la primera semana de julio, cuatro avionetas fueron detenidas cerca del territorio yanomami.

A pesar que la invasión no tiene la escala de la que se produjo anteriormente, la CCPY teme que, si el gobierno del Brasil no reacciona inmediatamente, la invasión puede llegar a ser incontrolable.

Fuente: CCPY. ❑

Nunavut

Los 18.000 *inuit* que viven en el Artico Oriental Canadiense han finalmente aprobado un acuerdo de reivindicación de tierras. El acuerdo, el cual fue emprendido con el Gobierno Federal en Ottawa, dará a los inuit control sobre una gran parte del Artico y hace que la creación de un nuevo territorio controlado por los inuit a finales del siglo, sea una próxima certitud.

En un referéndum llevado a cabo del 3-5 de noviembre, el acuerdo de reivindicación de tierras fue aprobado por el 69% de los votantes inuit autorizados. El 80% de los 9.648 votantes autorizados votaron, lo que implica, que cerca del 86% de los votos dados fueron a favor del acuerdo.

El camino ha sido despejado para el establecimiento de Nunavut, un territorio autogobernado. Dentro del futuro territorio Nunavut aproximadamente 85% de la población es inuit, lo que implica, de hecho, un autogobierno para los inuit.

El camino a Nunavut ha sido largo. La primera propuesta fue lanzada por los inuit en 1976. Desde entonces, las negociaciones entre los inuit y el Gobierno Federal han tenido dos metas: llegar a un acuerdo de reivindicación de tierras y establecer un territorio nuevo autogobernable.

En contraposición al acuerdo de reivindicación de tierras, el cual concede derechos específicos a los inuit étnicos, la creación del territorio de Nunavut significa autogobierno para todos sus habitantes.

En un plebiscito llevado a cabo en mayo de este año, una mayoría de votantes de los Territorios del Noroeste adoptaron la frontera propuesta para dividir los Territorios del Noroeste, la cual separará la reivindicación de tierras de los inuit así como al Nunavut del resto de los Territorios del Noroeste.

El próximo paso en el proceso fue la firma de un acuerdo político por el Ministro de Asuntos Federales Indígenas, Thomas Siddon, el 30 de octubre de este año. El acuerdo político establecería Nunavut antes de fines de siglo. El acuerdo establece el compromiso del gobierno de financiar los costos de establecimiento del nuevo territorio. Sin embargo, el acuerdo nunca habría entrado en vigor si el acuerdo de reivindicación de tierras no hubiera sido aprobado por los inuit en el referéndum de principios de noviembre.

La aprobación del Gobierno del paquete completo es considerado una formalidad. La legislación necesaria será introducida el próximo año, pero como todos los partidos políticos están a favor, Nunavut parece ser ahora una realidad. ¡Felicitaciones! ❑

Rusia:
Etnocidio contra los Udege

Un grupo pequeño de *udege* en el Valle del Río Bikin en el norte de la región Primorye del lejano oriente ruso, está siendo amenazado por un importante proyecto forestal. Los udege arriesgan perder una parte substancial de su territorio tradicional. Se espera que las actividades madereras propuestas por la compañía maderera ruso-surcoreana »Svetlaya« produzcan una catástrofe ecológica.

Los udege son un pueblo *manchu-tungus* que vive en las montañas de Sikhote-Alin en el lejano oriente ruso, a varios cientos de kilómetros al norte de Vladivostok y al este del río Usuri. Antes de que fueran colonizados por los chinos y rusos, los udege eran cazadores. Mientras que sus parientes vecinos, los *nanai*, adoptaron un tipo de vida sedentario, los udege se retiraron a las montañas cuando se vieron sometidos a la presión de los granjeros chinos y rusos. Con el tiempo, muchos udege terminaron como trabajadores en granjas chinas. Los udege resistieron la colectivización forzosa más tiempo que los nanai, sin embargo, ahora su antigua cultura de 2.000 años de antigüedad

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está amenazada y solamente alrededor del 30% de ellos todavía hablan udege como su primer idioma.

La explotación de las ricas reservas forestales de las montañas de Sikhote-Alin ha sido llevada adelante durante muchos años. La explotación maderera de los bosques vírgenes alcanzó tales proporciones en 1990 que el Soviet Supremo y el Soviet Local (consejo electo localmente) de la región persuadieron al Comité Forestal del Estado de la URSS de ceder todo el Valle del Río Samarga a los udege. El Valle del Río Samarga se encuentra al norte del Valle del Río Bikin en el cual la compañía conjunta Svetlaya parece que ahora ha obtenido concesiones para explotar la madera.

Hace muchos años, los udege del Valle del Río Bikin vivían en doce pueblos pequeños, pero desde finales de los cincuenta todos se han establecido alrededor de la granja estatal de Krasny Yar. Seiscientos de los setecientos habitantes de Krasny Yar son indígenas udege y nanai.

La empresa conjunta Svetlaya fue establecida en 1990 entre la compañía rusa Primorsklesprom y la corporación coreana Hyundai. Su meta principal es explotar la madera en las áreas de Ternei y Pozharsky y en la región septentrional de Primorye. Como un ex director de Primorsklesprom, Eduard F. Grabovsky, declaró, la empresa conjunta tenía la intención de trabajar »para el desarrollo de las áreas del norte de Primorye respetando los derechos e intereses legítimos de las poblaciones indígenas«. La idea original era talar los bosques muertos y replantar toda el área pero esto se encontró con la oposición del Soviet Regional. Una de las razones para esta oposición es que la parte superior del Valle del Río Bikin es una región ecológica vulnerable con una fauna rica y rara.

Un comité estatal, bajo el liderazgo de Yevodikiya Gayer (una indígena nanai) concluyó en marzo de 1990, que el proyecto no había tomado precauciones ambientales suficientes, las consecuencias para los udege locales no habían sido consideradas satisfactoriamente y, además, la parte superior del Valle del Río Bikin no debería, bajo ninguna circunstancia, ser sujeta a actividades de explotación maderera. En conclusión, el comité estatal declaró ilegal al proyecto.

Esto fue seguido por protestas locales generalizadas. El 20 de marzo, la aldea soviética de Krasny Yar se declaró como un Soviet Nacional, una decisión que fue aprobada por el Soviet del Distrito, en el Distrito de Pozharsky, y por el Soviet Regional Promorsky. Esta decisión implica que la administración del uso de tierra en la parte superior del Valle del Río Bikin y la parte central del Valle del Río Bikin es transferida al pueblo en Krasny Yar.

De hecho, la compañía violó los derechos territoriales de los udege y de otros pueblos indígenas desde el principio. Más del 60% de la explotación maderera es planeada en las partes más vitales de las tierras tradicionales de los habitantes locales.

Vergonzosamente, un jefe de la administración de la Región de Primorye, Vladimir S. Kuznetzov, apoyó a la compañía en contra de los pueblos indígenas. En su decreto N° 165 del 11 de junio de 1992, definió su territorio tradicional de subsistencia incluyendo solamente la parte central del Valle del Río Bikin. Si esto es aceptado dejará a los pueblos indígenas solamente con 408.000 hectáreas de tierra en vez de las 1.250.000 que reclaman. La decisión de la administración regional fue aceptada a pesar de una orden directa del Soviet de que el Valle Medio del Río Bikin fuera territorio para uso tradicional. El decreto también violó un decreto presidencial haciendo tal acción ilegal sin consulta previa con la asociación indígena.

Además, en su decreto N° 445-R del 21 de julio, el jefe de la administración fue a la justicia. Esta no reconoció los derechos de los indígenas udege. Estos ahora han demandado a Vladimir S. Kuznetsov por promover la invasión de sus tierras y han llevado el caso a la Suprema Corte Rusa.

Los udege solicitan ahora apoyo de la comunidad mundial en su lucha por justicia.

En la primera conferencia de la Asociación Internacional Científica Social Artica llevada a cabo en Quebec a principios de noviembre, fue adoptada una resolución en apoyo de los udege.

IWGIA recomienda a todas las personas interesadas a escribir cartas de protestas al Presidente Boris Yeltsin, El Kremlin, Moscú, y al Presidente de la Corporación Hyundai, K.P.O. Box 82, Seúl, Corea del Sur. ❑

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nes locales) el cual por su evidente debilidad, de acuerdo con el campo ecologista, no debería de haber pasado, y más adelante ese año presentó la propuesta para segregar al área de operación de prospección de PNOC del dominio del parque. En junio de 1989, el decreto respectivo estaba listo para ser firmado por la Presidente Aquino, una movida legal que podría haber obviado de una vez por todas, la necesidad de acatar las leyes atinentes a los Parques Nacionales. Por consiguiente, PNOC se dirigió a las comunidades bagobo, incitándolos a que identificaran la ubicación de sus sitios sagrados para que la compañía prepare la parcelación de la montaña. Esto, por supuesto, no fue aceptado por los bagobo, cuyos portavoces les hicieron saber que Apo Sandawa era »sagrado desde sus pies hasta su cima«.

Al hacer una propuesta segregacionista, el Secretario Factoran de DENR mostró que estaba más molesto por las dificultades supuestas por la legalidad formal que debería observar, que por las perspectivas de la destrucción de un santuario fundamental de la fauna y de los jardines botánicos. De hecho el DENR se puso a si mismo en la posición ridícula de sugerir el traslado de su propia jurisdicción de una pieza central de su sistema de reservas forestales.

El 2 de mayo de 1991, finalmente, Factoran fue citado por los periódicos de Manila sobre este asunto con la siguiente declaración: *»Es muy pronto para hablar sobre conservación. Tenemos que considerar primero el desarrollo«*. Argumentó que el nivel energético era bajo y por lo tanto ya no estaban entrando inversiones. Dos semanas después, el jefe del DENR anunció su aprobación, en principio, del proyecto, a condición de que PNOC cumpliera con una serie de condiciones relacionadas con sus impactos ecológicos y sociales. Esto, por supuesto, atrajo muchas críticas. Como grupos de abogados independientes señalaron, tales como el Centro de Derechos Legales y de Recursos Naturales (LRC), todo el procedimiento comprendido en el Sistema de Evaluación del Impacto Ambiental legítimamente se aplica solamente a proyectos »normales« en áreas sin estatus especiales. Si los Parques Nacionales están involucrados, los decretos promulgados para ese propósito deben de mantener precedencia sobre cualquier otra previsión legal, declaró el LRC.

El pasado 14 de enero de 1992, el gobierno de acuerdo con su propia interpretación de las leyes filipinas cerró el asunto legal cuando el Secretario Factoran firmó un Certificado de Acreditación Ambiental (ECC) en nombre de PNOC. Esto vino a raíz de una instrucción presidencial para aprobar todos los proyectos de energía pendientes, citando una emergencia debido a la severa crisis energética. Es cierto que Mindanao este año ha estado experimentando carencias energéticas hasta de 12 horas por día desde el pasado enero. Mientras que esto es nuevo para Mindanao, las deficiencias energéticas en la isla principal de Luzon han sido una característica constante durante los últimos años.

En un desesperado esfuerzo de último momento para parar el proyecto, ALUHA-MAD y sus partidarios, entre ellos algunos legisladores, hicieron una petición a la Suprema Corte la cual, no obstante, fue rechazada por razones técnicas. Después, el 27 de febrero de este año en Kidapawan, 8.000 lumad pertenecientes a diferentes grupos étnicos se juntaron para la más grande movilización masiva que haya existido en Cotabato del norte para exigir la fragmentación del proyecto y contratacar la afirmación gubernamental de que había obtenido el »apoyo crítico de masas« para las geotérmicas.

No puede ser negado que algunos aldeanos lumad viviendo en áreas vecinas al proyecto parecen dar la bienvenida a la presencia de PNOC. Esta gente está esperando ya sea oportunidades de trabajo u otros beneficios, o tienen simplemente miedo de desafiar los deseos de la influyente Oficina de Comunidades Culturales del Sur (OSCC), la agencia del gobierno encargada de cuidar del bienestar de los pueblos indígenas. No obstante, la única organización lumad de la región que hasta ahora ha apoyado al plan del gobierno es un sospechoso grupo llamado »Consejo Asesor Tribal de Cotabato« el cual no tiene ningún registro de trabajo de base en la provincia, pero sin embargo es conocido por estar unido con la »Asociación de Comunidades Tribales de Filipinas« (TRICAP) bajo el consentido del gobierno Datu Joseph Sibug. Sibug, ya conocido bajo Marcos por la venta de los intereses indígenas, el 10 de marzo de este año dirigió a un grupo de lumad partidarios del proyecto en el montaje de un supuesto ritual tradicional llamado *pamaas* con el propósito de »espantar los malos espíritus que pudieran entorpecer la construcción de la planta geotérmica«. El grupo de Sibug -notablemente constituido de *manobo*, mientras que la montaña es conocida por ser el área tradicional de asentamiento de los grupos bagobo- reclamaban al Monte Apo como parte de su dominio ancestral y entregaron formalmente al gobierno 700 hectáreas para que fueran explotadas por PNOC. Llevando su tradicionalismo »bugui-bugui« aún más lejos, Sibug otorgó los títulos honorarios manobo de »datu« y »bai« a oficiales dirigentes de la Corporación Nacional de Fuerza (NAPOCOR) y de PNOC. Ancianos y líderes simpatizantes del movimiento para la defensa del Monte Apo han llamado esta actuación como una »blasfemia«, sin ningu-

Defendiendo lo suyo: manifestación en Kidapawan, 13 de abril de 1989. Foto: Danilo Geiger.

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na base en la ley consuetudinaria bagobo.

Grupos conectados con Sibug, además, amenazaron con usar la violencia contra las comunidades que quieran resistir a PNOC, levantando el espectro de una riña amarga entre los lumad. Un campamento de protesta pacífica cerca del lugar del proyecto, llevado a cabo a mitad de abril por miembros de ALUHAMAD para impedir el movimiento del equipo pesado de construcción dentro del área, fue forzado a disolverse debido a la amenaza de ataques de la policía y de la gente de Sibug.

PNOC ha empezado a construir caminos de acceso para el próximo conjunto de pozos en proyecto el pasado abril. Sólo ésto requerirá el corte de por lo menos 4.000 árboles. De acuerdo a algunos informes, la compañía espera tener la primera planta operando a una capacidad de 20 MW para 1993. Sin embargo recientemente, la planificación de PNOC parecen haber sido más cautelosa, planeando el comienzo de las operaciones a gran escala no antes de 1995. Un presupuesto de 120 millones ha sido asignado por la compañía para futura exploración, construcción y producción en el Monte Apo. Desde mediados de febrero, bulldozers y materiales pesados de construcción han sido traídos bajo escolta militar.

Al enfrentarse con la rígida oposición de la mayoría de las habitantes indígenas del área, el gobierno ha empezado a desplegar tropas y reclutó según informes hasta 700 soldados paramilitares, entre ellos también lumad. Además, hubo intenciones de acordonar grandes áreas alrededor del lugar del proyecto. Han sido puestos anuncios exigiendo la identificación por medio de pases autorizados de cualquiera que entre en el área, y el Parque Nacional ha sido cerrado para turistas y excursionistas. Observadores y portavoces lumad están ansiosos ya que la violencia y derramamiento de sangre podría ser inevitable cuando PNOC empiece a establecer personal y equipo a gran escala, aunque recientes comunicados de parte de la resistencia lumad hablan de acciones no violentas, como barricadas humanas para impedir que la compañía ocupe el lugar del proyecto, o una huelga de hambre de los ancianos bagobo.

No solamente los bagobo han activado sus fuerzas de combate *bagani* (guerreros tradicionales), el Frente Nacional Democrático (NDF) el cual ha estado sosteniendo una guerra de guerrilla contra los sucesivos gobiernos de Manila durante los últimos 23 años, ha también advertido al gobierno que »se opondrá con toda su fuerza y recursos, incluyendo fuerzas armadas, a la construcción de las plantas geotérmicas en el Monte Apo«. Combatientes del Nuevo Ejército del Pueblo (NPA, el brazo militar de NDF) ya han, de acuerdo con la prensa, minado caminos estratégicos en el área del proyecto. El 3 de junio de 1992, una de estas minas mató a un soldado y a un miliciano e hirió a otro. El día anterior, las instalaciones de PNOC fueron objeto de ataques con armas de fuego por parte del NPA.

Una tercera fuerza constituida por miembros lumad de las unidades de CAFGU (CAFGU, Unidades Geográficas de las Fuerzas Armadas Ciudadanas, son tropas paramilitares reclutadas en toda la nación para combatir la insurgencia), ha repetidamente señalado que no dudará en volverse en contra del gobierno en caso de que invada el Monte Apo una vez más.

Con el halcón en el casco: acontecimientos y perspectivas después de las Elecciones del 11 de mayo

El período de seis años de Corazón Aquino no ha mostrado a Filipinas una clara diferencia con el gobierno autocrático de Marcos. La democracia elitista erigida bajo su presidencia ha probado ser incapaz de llevar a cabo las tan necesitadas reformas sociales que podrían aliviar la miseria de la gran mayoría de los 63 millones de habitantes del país.

Un programa de reforma agraria indigna de su nombre ha sido realizada a un paso tan lento, que un diario de Manila ha calculado que llevaría un mínimo de 219 años para implementarlo completamente.

La gran desigualdad en las distribuciones de tierra es una de las mayores causas del perpetuo desplazamiento de los pueblos indígenas por los colonos de las tierras bajas.

Como en ningún otro país asiático, la élite terrateniente se las ha arreglado para preservar sus vastos dominios así como su poder político, mientras que los recursos colectivos, sobre todos los bosques del país, han sido saqueados a una ritmo sin precedentes. De acuerdo con un estudio del Banco Mundial de 1989, solamente 6 millones de hectáreas de las 15 millones que existían hace 30 años han permanecido forestadas, y de éstas no más de 1 millón de hectáreas son bosques originarios. Entre 1969 y 1988 los bosques de Filipinas han disminuido a una razón anual de 2,5%, la cual es tres veces el promedio global de la destrucción de la selva tropical. Durante los seis años bajo Aquino, el Congreso fracasó en promulgar leyes que prohibieran la explotación de la madera. El DENR está en una situación desesperante de falta de personal y falta de fondos como para poder frenar la tan extendida explotación ilegal de madera, incluso en las zonas más críticas de las áreas de la cuenca.

La deuda exterior ha alcanzado $30 billones, y el pago de la misma se está comiendo el 40% del presupuesto nacional anual. Filipinas hoy en día figura dentro de las llamadas »naciones de ingresos más bajos« junto con países como Bangladesh, de acuerdo con la clasificación del Fondo Monetario Internacional (FMI).

Es poco probable que el resultado de las elecciones presidenciales y parlamentarias del 11 de mayo cambien la situación. El nuevo presidente, ex general Fidel V. Ramos (64), es conocido como un político a la antigua sin inclinaciones progresistas. Ramos, graduado de West Point y veterano de las guerras de Vietnam y Corea, ha servido bajo Aquino primero como Comandante en Jefe de las Fuerzas Armadas y después como su Secretario de Defensa. Muchos filipinos, sin embargo, no han olvidado que Ramos, en sus funciones como Jefe de la notoria Policía Filipina (PC), carga con mucha de la responsabilidad de los peores excesos de la ley marcial bajo la dictadura de Marcos. Tales memorias del pasado no tan democrático del general pueden ser la razón de que Ramos haya sido elegido con solamente el 23,6% de todos los votos, lo que lo hace el presidente con el mandato más débil de la historia de Filipinas.

De todas maneras, las acciones de Ramos desde su toma de posesión del 30 de junio pasado demuestran un intento para pagar las deudas de gratitud a los grupos de intereses que »lo hicieron« y a quienes debe su éxito electoral. Las carteras del Gabinete han ido principalmente a la élite militar-industrial, llevando a la prestigiosa Far Eastern Economic Review a acuñar el término de »gabinete corporativo«. El nombramiento inicial de Edelmiro Amante, un congresal con extensos intereses en la industria maderera, como Secretario del Departamento del Medio Ambiente y Recursos Naturales (DENR) no es buen augurio para el futuro del medio ambiente y los pueblos indígenas de las tierras altas. El renombramiento de Amante a continuación de las protestas de grupos ambientalistas a la influyente posición de Secretario Ejecutivo no mejoró las cosas.

En una movida sorprendente, el Presidente Ramos ha levantado la ley que declara ilegal el ser miembro del Partido Comunista (CPP), y ofreció amnistía a rebeldes comunistas y musulmanes y a renegados derechistas del ejército. Los observadores, sin embargo, son bastante escépticos de la sinceri-

dad del enfoque del nuevo presidente a la »reconciliación nacional«, citando sus anteriores posiciones de línea dura y el hecho que la mayoría de los prisioneros políticos están actualmente detenidos bajo cargos criminales y por eso no califican para la puesta en libertad bajo la nueva ley. Cualquier esperanza de finalizar la guerra civil que ha sacudido los territorios de los pueblos indígenas en las últimas dos décadas puede ser prematura. Estos observadores sospechan que los verdaderos motivos detrás de las iniciativas de Ramos eran ganar algunas »bases morales« con las cuales podría echar la culpa de un eventual fracaso final de las conversaciones de paz sobre los movimientos insurgentes.

De modo no sorprendente los representantes de los movimientos populares tienen miedo de que el ex general vaya a gobernar con mano de hierro. Nur Misuari, por ejemplo, presidente de Frente Musulmán Moro de Liberación Nacional (MNLF) ha expresado temores que las políticas intransigentes de Ramos podrían llevar a otra ronda de confrontación sangrienta en el sur. De hecho, en los tres meses después de la toma de posesión de Ramos el 30 de junio se ha presenciado un aumento de persecuciones y arrestos de líderes de organizaciones de masas, entre ellas también grupos indígenas. Informes de la Cordillera en el norte del archipiélago, dicen que dirigentes activistas de la Alianza del Pueblo de la Cordillera (CPA) han sido puestos bajo arresto domiciliario bajo cargos arbitrarios.

De la misma manera, las organizaciones de Mindanao informan la desaparición del vicepresidente de la Asociación de Pueblos Tribales del Sur de Cotabato (KALUHA-KU), junto con otro activista *t'boli*, el pasado 4 de agosto. Fueron maltratados y después llevados a la estación de policía bajo el cargo de aseveraciones de que estaban involucrados con la guerrilla de NPA. Desde entonces siguen desaparecidos.

La oposición al proyecto geotérmico del Monte Apo no ha descansado desde la toma de poder de Ramos. Sino al contrario: el proyecto está en marcha más rápido que nunca. De acuerdo con los informes noticieros del pasado 19 de agosto, el Presidente Ramos durante un viaje reciente a Mindanao, ha ordenado a NAPOCOR acelerar la construcción de la controversial planta de fuerza, asegurando al mismo tiempo que sólo 700 hectáreas de las 55.000 hectáreas de bosque que cubren al Monte Apo, serán afectadas por las operaciones de PNOC y que serán tomadas medidas para minimizar los daños ambientales.

En los últimos meses se ha experimentado una búsqueda febril de financiamiento por parte de PNOC y NAPOCOR. De acuerdo con fuentes oficiales PNOC ha definitivamente retirado su petición de financiamiento del Banco Mundial, debido aparentemente al alto nivel de controversias sobre el proyecto. Sin embargo, parece que los fondos finalmente han sido comprometidos por el Banco de Exportación-Importación del Japón de acuerdo a noticias del pasado 27 de mayo. El préstamo en cuestión consiste en créditos de suministros para unas 12 turbinas de gas. La mayoría de los créditos se extienden por un consorcio de construcción japonés integrado por las Industrias Pesadas Mitsubishi, Productos Electrónicos Fuji y Toshiba.

En total, se dice que el Banco de Exportación-Importación ha comprometido un total de $710 millones para proyectos de energía en Mindanao, de los cuales $220 millones han sido destinados para el Monte Apo. Sin embargo, el Banco ha recientemente declarado, en una respuesta al Centro de Recursos de Filipinas (PRC) en Londres, que los fondos no han sido todavía comprometidos en forma final – una señal que la institución está trastornada por la fuerte controversia tanto en el plano doméstico como en el internacional. Esto es una señal de esperanza para las atormentadas comunidades lumad.

El retorno de las presas de Chico: un análisis final

¿Qué razones hay para que tanto el gobierno de Aquino como el de su sucesor se hayan aferrado tan firmemente a un proyecto cuya implementación provocaría probablemente confrontaciones violentas y un duradero desorden social?

La energía geotérmica del Monte Apo es un importante componente del Plan de Energía y Desarrollo del gobierno para 1991-2000. También figura en forma prominente en la llamada Carta de Intención requerida de los gobiernos del Tercer Mundo para calificar para prestamos eventuales del FMI y el Banco Mundial. El gobierno es consciente de que la inversión extranjera, que es tan desesperadamente solicitada, depende de la existencia de abundancia de energía disponible. Es lógico asumir que el programa geotérmico del Monte Apo ha sido escogido para demostrar la resolución y capacidad de Manila para proveer a compañías extranjeras con energía suficiente.

El gobierno de Aquino afirma que a) hay una seria escasez de energía y b) que puede ser mejorada con la construcción de las plantas de Apo. Primero, es un hecho innegable que la producción de fuerza hidroeléctrica del país (la cual es usada para cubrir por lo menos 20% del consumo total de energía) ha disminuido substancialmente a través de los últimos años, debido a la descuidada administración del gobierno en las áreas de la cuenca. Esto ha producido una degradación dramática de suelos en las regiones montañosas y de fuertes pendientes y, como consecuencia, las reservas de agua han sufrido sedimentación y hay sequías durante las

El atractivo de la tierra: chozas de colonos recién erigidas a lo largo del camino de acceso a Apo. Foto: Danilo Geiger.

temporadas secas. La escasez de energía, por lo menos en Luzon, es el resultado directo de políticas ambientales deficientes y no puede ser remediada por la construcción de plantas generadoras de energía en otras áreas de cuenca sensibles tal como el Monte Apo.

Es importante tomar en cuenta que la capacidad de las plantas del Monte Apo absorberá solamente el 4% de la proyectada energía adicional necesaria a nivel nacional. Además, hay indicios de que la propia escasez de energía de Mindanao de este verano pudo haber sido creada artificialmente para ayudar los objetivos de PNOC de explotación de Monte Apo. Los ecólogos dicen que el potencial geotérmico de la montaña difícilmente justifica los tremendos costos ecológicos y sociales del proyecto, y que el mejoramiento de facilidades existentes podría ser más provechoso. Algunos críticos argumentan, ciertamente, que la verdadera razón para el gobierno en el caso del Monte Apo no son las reservas de energía en las profundidades de Apo Sandawa, sino establecer una reivindicación de la explotación comercial de recursos naturales en áreas protegidas en general. Esto tiene que ser visto a la luz de la reciente presión del Banco Mundial para transformar todos los bosques originarios que quedan en Parques Nacionales bien vigilados.

Es con amarga ironía que Jimid Mansayagan, Secretario General de la organización lumad de la isla, **Lumad Mindanao**, cuenta como los ancianos bagobo en 1936 se alegraron al oír las noticias de que el corazón de su territorio había sido proclamado Parque Nacional. Creyeron que el gobierno había entrado a un *d'yandi* con ellos bajo cuyos términos se respetarían los territorios de cada uno y se mantendrían relaciones amistosas.

El gobierno filipino ha demostrado ser un aliado traicionero para los bagobo. Su interés por la integridad del Monte Apo y los primordiales derechos de los habitantes lumad ha sido expuesto como nada más que una pose. El DENR ha dejado de ser un defensor honesto del medio ambiente filipino, así como aquellos quienes antes echaron al dictador Marcos del poder, hace ya mucho tiempo abandonaron el disfraz de campeones de la causa de una sociedad más justa y humana.

Ahora que el gobierno filipino ha decidido renunciar a su autoridad sobre el Parque Nacional del Monte Apo, parece que su destino -y el de los bagobo al mismo tiempo- va a ser decidido en Tokio. Amplias sospechas, aunque sin confirmar, de parte de los críticos internacionales del proyecto, sugieren que el dinero del Banco Mundial puede encontrar su camino a través de la puerta trasera, por concepto del posible compromiso del Banco de Desarrollo Asiático (ADB) -un afiliado del Banco Mundial- o como parte de un Préstamo del Sector de Energía no especificado. Confrontado con »las pruebas« del gobierno de una grave crisis de energía, los Bancos se podrían inclinar otra vez a dar prioridad secundaria a las consideraciones ecológicas, por temor a sofocar la economía nacional, y en el caso de los japoneses, simplemente en favor de inversiones provechosas.

Sólo se puede esperar que los funcionarios responsables estén conscientes de las notorias semejanzas entre los eventos que se están desarrollando en las laderas del Monte Apo y aquellos de hace 15 años en el norte del país, cuando el dinero del Banco Mundial ayudó a inundar las aldeas y campos de unos 10.000 *kalinga* y *bontoc* a través de la construcción de las presas de Chico en la Cordillera Central. La resistencia feroz de los kalinga y bontoc trajo la cancelación del proyecto y, lo que un escritor ha llamado, »el Vietnam de McNamara« (el nombre del entonces Presidente del Banco Mundial), aludiendo a la derrota espectacular del Banco en una empresa a la cual había acordado primera importancia. Antes como ahora, la oposición indígena al proyecto recurrió a instituciones políticas tradicionales para confrontar el agresivo desarrollismo del estado, y el rebelde Nuevo Ejército del Pueblo (NPA) ofreció a los pueblos tribales, ayudarles a defender sus dominios asediados.

Antes como ahora, los tecnócratas de Manila niegan que la mayoría de los habitantes indígenas de las áreas en contienda están o desconformes con el proyecto o activamente resistiéndolo. IWGIA recibió una prueba de la pérdida de contacto con la realidad de PNOC últimamente, cuando apeló para que el proyecto fuera cancelado. Esta apelación fue contestada por NAPOCOR declarando que no se esperaba intranquilidad y derramamiento de sangre como resultado de la decisión de continuar con el proyecto. La respuesta, firmada por Pablo Malixi de NAPOCOR, continuaba: »Si hubiera algo de este tipo, no vendrá de las tribus potencialmente afectadas ya que han mostrado su aprobación del proyecto«. Las redes internacionales de solidaridad, harían bien en corregir tales percepciones deformadas por parte de los que detentan el poder en Manila.

Cartas de protesta. El envío de las mismas a las siguientes instituciones y funcionarios de gobierno son de importancia crucial en este momento:

Masaaki Horiguchi
Director General
Loan Department I
The Export-Import Bank of Japan
4-1 Ohtemachi 1 -Chome, Chijoda-Ku
Tokyo 100
Japan

President Fidel V. Ramos
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Malacanang Palace
Mendiola, Manila
Philippines

Hon. Angel Alcala
Secretary
Department of Environment and Natural Resources (DENR)
Visayas Ave. Quezon City
Philippines

Mr. Pablo V. Malixi
President
National Power Corporation (NAPOCOR)
NPC Bldg., BIR Road,
Diliman, Quezon City
Philippines

Chief Justice Andres Narvasa
Supreme Court
Republic of the Philippines
Taft Ave., Manila
Philippines

Mr. Monico V. Jacob
Chairman
Philippine National Oil Company (PNOC)
PNOC Bldg., 7901
Makati, Metro Manila
Philippines

Fuentes: TABAK Action Alert Bulletin; Philippine Natural Resources Law Journal Special Issue, Vol. 2, Nr. 2 mayo de 1990; KINAIYAHAN Foundation: The Assault on Apo Sandawa; Arquiza, Jasmin D.: Mt. Apo Geothermal Project: People or Power?, en: Philippine Daily Inquirer, junio 1-3 de 1990; Inter press service, marzo 19 de 1992: Philippines: Power-Hungry Islands Eye Geothermal Energy; IUCN: The Conservation Atlas of Tropical Forest: Asia and the Pacific, Londres 1990; investigacion de los autores en el área, abril de 1989; noticias recientes de: Common Ground, Philippine Daily Inquirer, Philippine Star, The Manila Times, The Mindanao Mirror Bulletin, MIPC Action Alert. ❑

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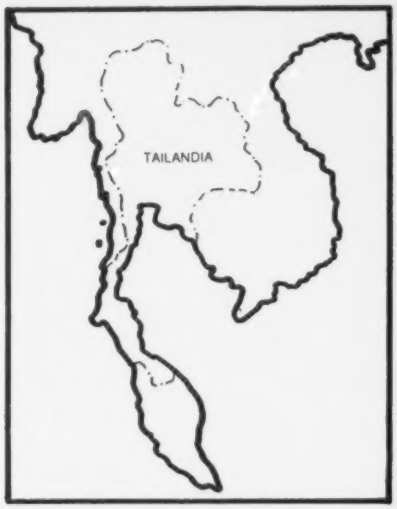
Tribus de la Montaña en Tailandia: ¿Víctimas del desarrollo?



Por: Joep Oomen, Impress

Hay solamente una hora en auto desde Chiang Mai, capital de Tailandia del norte, hasta el pueblo de Doi Pui, un poblado de 50 familias pertenecientes a la tribu de los *hmong*. Eso lo hace un lugar ideal para que los turistas, que no pudieron unirse a una de las tantas expediciones ofrecidas por las agencias turísticas de la ciudades, tengan una rápida impresión de la vida de las tribus de la montaña. Anunciando a gritos (¡Selva de verdad, tribus legítimas!) los guías prometen llevar a uno, a esos lugares donde ningún turista ha ido antes. Pero es difícil de encontrar una aldea *hmong, akha, lisu, lahu, karen* o *yao*, donde los niños no hayan aprendido a gritar »¡beautiful, beautiful!« mientras muestran un montón de brazaletes de colores a los potenciales clientes que han venido desde tan lejos.

Doi Pui es el principal ejemplo del desarrollo turístico en las montañas del norte de Tailandia. No hay un sólo granjero en todo el pueblo. Todas las calles están cubiertas con puestos, donde se ofrece todo lo que los turistas están buscando: vestidos típicos de las tribus de la montaña, joyas hechas de oro y jade, y heroína. Juzgando por la cantidad de ofertas para comprar heroína, Doi Pui puede competir fácilmente con el Distrito Rojo de Amsterdam.

Al final del pueblo, está instalado un museo de las tribus de la montaña. Entre las pipas de opio e instrumentos de agricultura tradicional expuestos, hay carteles explicando las privaciones que las tribus de la montaña experimentaron cuando aun vivían aislados, cultivando opio junto con los métodos agrícolas »swidden«, de limpieza y quema. Pero ahora, concluye el visitante, gracias a los esfuerzos desarrollistas del gobierno tailandés, con la ayuda de la cooperación internacional, las tribus de la montaña se están convirtiendo en verdaderos ciudadanos tailandeses.

El desarrollo forzoso

Hasta hace 25 años, la parte tailandesa del Triángulo Dorado era un área remota prácticamente sin caminos, ni líneas fronterizas claras con los países vecinos, Birmania y Laos. Los pueblos tribales de la montaña vivían dispersos en toda el área y moviéndose como nómadas, desplazados por gobiernos hostiles o por la ausencia de tierras fértiles. La mayoría de ellos practicaba la agricultura »swidden«, removiendo los árboles de las laderas de la montaña para poder cultivarlas durante algunos años. Eran prácticamente autosuficientes, el opio era su único recurso de ingreso. Esta situación cambio drásticamente a finales de los sesenta, con la aparición de los proyectos de desarrollo. Su objetivo principal era el de reducir el cultivo de opio, poner punto final a las técnicas de limpieza y quema, y promover la integración de las tribus de la montaña en la sociedad tailandesa.

»Tailandia deberá convertirse en una vitrina para el desarrollo en el sudeste de Asia«, dice Ken Kampe, un americano que trabaja en los proyectos de desarrollo, quien refleja escépticamente su experiencia de 15 años al norte de Tailandia. »Las agencias occidentales de desarrollo no eran, obviamente, bienvenidas en Birmania, Laos y Vietnam en esa época. Para poder mantener la influencia occidental en la región, y crear un buen clima de inversión, Tailandia tenía que ser inundada de proyectos de desarrollo. El opio fue la excusa ideal«.

Aunque la producción de opio en Tailandia nunca excedió las 150 toneladas, lo cual, señala el antropólogo Geddes de Nueva Zelanda, no es ni suficiente para cubrir la demanda local de los consumidores de opio, el cultivo de amapolas de las tribus montañesas de Tailandia fue considerado una fuente del problema de la heroína en los países occidentales. Por esta razón, los proyectos de desarrollo en las áreas de las tribus de la montaña, están basados en la substitución del cultivo de la amapola por cultivos alternativos. Son llevados a cabo por la Oficina Tailandesa de la Dirección de Control de Narcóticos, con apoyo de agencias gubernamentales de los Estados Unidos, Alemania, Noruega, Dinamarca y de Los Países Bajos, y por el Fondo de las Naciones Unidas para Control del Abuso de Drogas. Hoy, aproximadamente 30 toneladas de opio son producidas en Tailandia. A pesar de todo, los primeros resultados de los proyectos de substitución de cultivos fueron un completo desastre. Todo lo que los proyectos hicieron fue estimular el cultivo comercial para el mercado, ignorando el hecho de que no existían caminos para alcanzar tal mercado.

Muchos de los granjeros hicieron uso de los fertilizantes gratis para mejorar su producción de opio. Luego, a principios de los ochenta, la presión aumentó sobre el gobierno tailandés para comenzar la erradicación de los campos de opio. Esto condujo a un enfoque de recompensa-castigo; a los granjeros se les ofreció el apoyo de los proyectos, los cuales se concentraron más y más en el desarrollo integrado, incluyendo el mejoramiento de infraestructura, salud y educación. Si seguían cultivando opio, los granjeros se enfrentarían a acciones policiales.

»Este desarrollo forzoso es la raíz de muchos problemas«, dice Chantaboom Sutthi,

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Destrucción de cultivos de opio.
Foto: Joep Oomen/Impress.

director del Instituto de Investigación Tribal de la Universidad de Chiang Mai. »Los granjeros se han vuelto completamente dependientes de la economía comercial. El opio creaba un equilibrio ideal entre la autosuficiencia y una economía de mercado en pequeña escala. La gente acostumbraba comprar todo lo que necesitaban de las personas que venían a comprar su opio. Ahora hay muchos pueblos donde la gente ni siquiera cultiva su propia comida. Obtienen toda la ayuda que quieren de los desarrollistas con tal de que no cultiven opio. Pero algún día los proyectos de desarrollo desaparecerán, y los granjeros se encontrarán en una situación muy difícil.«

Como resultado de los proyectos de desarrollo, muchos patrones sociales han desaparecido también. Para poder construir una estructura de poder en la aldea, útil para los proyectos, las autoridades eligieron nuevos líderes, quienes fueron generalmente de origen tai. Muchos de ellos tienen reputación de ser corruptos, y se les culpa de canalizar el apoyo exterior hacia un grupo pequeño de amigos.

En las comunidades de la tribu *lisu*, conocida por tener una estructura muy igualitaria, el papel de la mujer en la vida social y económica ha disminuido sensiblemente. Como la venta del opio tenía lugar dentro del pueblo, eran las mujeres las que controlaban la economía familiar. Los nuevos cultivos, como tomates o coles, tienen que ser transportados a las ciudades, y éste es exclusivamente un trabajo de hombres.

En general, la rápida introducción de tai de las tierras bajas y la civilización occidental en los pueblos de las tribus de la montaña, ha causado una confusión cultural de dimensiones inmensas. La imposición de condiciones de comercio desconocidas, por parte de los comerciantes de las tierras bajas, y el contacto con nuevas religiones y valores introducidos por misioneros y maestros, han tenido su efecto en las aldeas de las tribus de las montañas.

La heroína substituye al opio

Lo más irónico es que, a medida de que los campos de opio son destruidos, el consumo de heroína ha aumentado dramáticamente. Tailandia es todavía un importante país de tránsito para la heroína birmana en camino a los mercados occidentales, y las remotas áreas montañosas del norte continúan siendo las mejores rutas de contrabando. Sin embargo, hace casi una década, la adición a la heroína era desconocida entre los pueblos tribales de la montaña. De acuerdo con el Dr. Annop Visudhimark, del Centro Norteño de Tratamiento de la Dependencia de la Droga en Chiang Mai, el cual fue establecido con la ayuda de las Naciones Unidas y el gobierno danés, la heroína fue introducida por turistas occidentales, visitantes de la parte tai del »Triángulo Dorado«, en busca de drogas baratas.

Los aldeanos de las tribus de la montaña usaban el opio principalmente como medicina, para dolores físicos y existenciales. Cuando el opio desapareció, se pasaron a la heroína, sin consciencia de los riesgos muchos mayores de adicción, que el uso de heroína implica. En algunos casos, los niños se volvieron adictos cuando sus padres soplaban el humo de cigarros de heroína en sus caras, para hacerlos dormir cuando estaban enfermos. En el pueblo hmong de Mae Sai Mai, 15% de la población es adicta a la heroína, siendo los mas jóvenes de ocho años de edad.

El trabajador social Sangvorn es activo en un programa de rehabilitación para drogadictos en Mae Sa Mai. »Me pregunto si los proyectos de desarrollo tomaron en consideración el uso tradicional del opio. La heroína aparece en el momento que el opio es erradicado. A lo largo de los caminos que fueron construidos para mejorar el desarrollo, los turistas drogadictos llegaron a los pueblos. Y a través de la economía comercial, la gente empezó a tener dinero. Empezaron a consumir heroína, y se volvieron dependientes. Terminaron vendiendo sus tierras para poder comprar heroína. Los podemos tratar, pero cuando regresan a su pueblo, hay heroína por todas partes. Eso hace nuestra batalla interminable.«

La guerra de la selva

Sin embargo, muchos proyectos de desarrollo en las montañas del norte de Tailandia están en una fase experimental. Y son los destinatarios, los granjeros de las tribus de la montaña, quienes cargan con el peso si los experimentos no tienen éxito. Como en el pueblo hmong de Pa Kluai, situado en una cuenca a 150 kilómetros al sur de Chiang Mai, donde el Proyecto Noruego-Tailandés de Desarrollo de Tierras Altas, en los últimos ocho años ha estado substituyendo el cultivo del opio por el de coles.

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Para poder mantener los niveles de ingresos, los hmong han tenido que aumentar el área bajo cultivo doce veces desde 1984. No solamente los hmong quemaron la vegetación para sembrar otros cultivos, sino que sus campos regados han agotado el río que corre a través del valle inferior de Mae Soi donde viven 11.000 personas, provocando una seria carencia de agua. Los residentes de Mae Soi han cercado los campos de los hmong con alambres de púas para impedir la extensión de los cultivos. Los encargados del desarrollo de los proyectos declaran que los campesinos locales están simplemente celosos de la nueva prosperidad de los hmong. Pero los funcionarios del Departamento Tailandés de Silvicultura usan el ejemplo de Pa Kluay para justificar un plan de reubicación de los habitantes de las cuencas, las cuales incluyen casi toda la región de las tierras altas.

El tipo de agricultura de limpieza y quema era otra razón importante realizar proyectos de desarrollo en el norte de Tailandia. Pero el caso de Pa Kluay ha probado que el cultivo comercial puede ser aún más perjudicial para la ecología. Otros proyectos, como el Proyecto Tailandés-Alemán de Desarrollo de las Tierras Altas, ha tratado de introducir tipos de agricultura más sustentables, como el cultivo en fajas. Pero las experiencias en sus áreas de proyectos señalan que estos tipos de cultivo son frecuentemente de trabajo intensivo, y los tipos de cultivo que se están usando, como café y árboles frutales, tienen un precio muy inestable en el mercado.

Además, parece que hay mucho interés detrás de los esfuerzos para preservar las áreas selváticas de las tierras altas y ponerlas bajo control gubernamental. Incluso después de que una prohibición de cortar árboles fue declarada en Tailandia, la construcción de caminos por el ejército ha continuado, especialmente en las reservas de bosques. Y como el tailandés dice: »donde un camino es construido, el bosque pronto será destruido«.

Mientras, la duda surge de si existe algún problema o no. De acuerdo con Prasert Trakansuphakorn, director de la Fundación de Desarrollo de la Educación y la Cultura del Pueblo de la Montaña (MPCDE) en Chiang Mai, los proyectos de desarrollo han cometido un error histórico, y han fracasado al comunicarse con los aldeanos. »Por ejemplo la forma de agricultura karen. Su sistema de rotación ha sido llevado a cabo por siglos sin causar ningún peligro real a la ecología. Los granjeros karen organizaron el uso de sus tierras en común, teniendo cuidado de que haya pasado suficiente tiempo antes de que el mismo terreno sea otra vez cultivado. Después los proyectos vinieron, y destruyeron este sistema por la introducción de cultivos comerciales.

El problema verdadero no era qué cultivar, sino dónde. En vez de concentrarse en la substitución del opio, los proyectos deberían de haber asegurado los derechos del pueblo al uso de la tierra, haciéndolos responsables de su propio ambiente. Ahora el problema de la degradación de la tierra ha empeorado, y el gobierno puede usar este argumento para insistir en el reasentamiento. Ellos dicen: »el hombre y la selva no pueden vivir juntos. Pero sabemos muy bien como hacerlo.«

Los alegatos de Prasert parecen ser reconocidos ahora por un nuevo proyecto de las Naciones Unidas en el área de Sam Mun. Ahí, a los aldeanos se les ha permitido participar en el planeamiento del proyecto por primera vez, desde que la historia de los proyectos de desarrollo empezaron.

Un futuro desconocido.

El estatus ilegal de las tribus de la montaña continúa siendo un serio obstáculo para el tercer objetivo principal de los proyectos de desarrollo, o sea su integración en la sociedad tailandesa.

Sin embargo, no les es permitido tener ninguna organización legal que defienda sus derechos. La única excepción es la Asociación Akha de Chiang Rai. La asociación enfoca principalmente la preservación de las tradiciones culturales del pueblo *akha*. En su reunión anual con representantes aldeanos, los asuntos políticos son cuidadosamente evitados.

De acuerdo con el director Aju Jupaw, la sobrevivencia es la mayor preocupación.

»Nosotros como akhas no tenemos nada en contra del desarrollo. Pero no sabemos con que tierra contamos. Oficialmente únicamente el 5% de nosotros tiene la ciudadanía tailandesa. El resto es ilegal y la policía los puede echar del país en cualquier momento. Por eso estamos listos para aceptar cualquier tipo de proyecto, y es difícil quejarse.

Tenemos que encarar la amenaza inmediata, que es una creciente epidemia de SIDA, causada por el problema de la heroína y la venta de niñas akha a dueños de prostíbulos en las ciudades.

Sus padres son muchas veces granjeros desesperados que no ven ningún otro camino para obtener dinero en efectivo para sobrevivir, ahora que ya no se les permite cultivar el opio. Las niñas se quedan en las ciudades algunos años, sin ningún conocimiento de los riesgos de su profesión. Cuando regresan, hay una posibilidad muy grande de que sean portadoras del virus del SIDA.«

El SIDA se ha extendido rápidamente entre las tribus de las montañas. Investigadores del Instituto de Investigación Tribal en Chiang Mai estiman que el porcentaje de personas infectadas con el virus entre la población de las tierras altas, no es menor del 20%.

¿Deberán de ser culpados los proyectos de desarrollo por llevar a una población entera a la eliminación? De acuerdo con Hagen Dirksen, director del Proyecto Tailandés-Alemán de Desarrollo de las Tierras Altas, »los problemas que las tribus de la montaña se están enfrentando el día de hoy, no hubieran disminuido el impacto de la sociedad tailandesa sobre estos pueblos. Pero las experiencias que hemos tenido, no serán olvidadas. Las tomaremos en cuenta, cuando empecemos los nuevos proyectos pilotos en Laos, pronto.«

Tribu	Población	Porcentaje
Karen	265,61	50,08
Hmong	80,08	15,10
Lahuh	58,69	11,07
Yao	35,50	6,69
Akha	33,62	6,34
Lisu	24,01	4,53
Otras	32,00	6.19

- el 35,4% de los pueblos de las tribus de la montaña tienen un sistema oficial de administración tailandés.
- el 56% de las familias de las tribus de la montaña tienen registro domiciliario.
- el 20% de la tierra de cultivo tiene alguna clase de derechos territoriales legales.
- el 28% de las aldeas tienen escuelas
- el 15% de los pueblos tribales de la montaña son capaces de leer y escribir tailandés, 32% pueden hablar y entender tailandés
- El porcentaje anual de ingresos varía de 130 a 450 dólares, comparado con 550 dólares de los tailandeses de las tierras bajas.

Fuente: Instituto de Investigación Tribal, Chiang Mai, 1986. ❑

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Australia:

Reconsideración del Título Indígena a la Tierra

Por: Merete Falck Borch

En junio de 1992, la Suprema Corte de Australia finalmente pronunció su decisión en el llamado caso Mabo; por una mayoría de seis contra uno, la Corte encontró que el derecho consuetudinario australiano reconoce el título de los pueblos indígenas (*aborígenes* e *isleños del Estrecho de Torres*) a su tierra tradicional – si ese título no se ha extinguido. Este importante juicio ha revocado la única otra decisión importante de derechos territoriales de Australia y rechazado algunas suposiciones legales asumidas durante mucho tiempo sobre la tierra.

Antecedentes

Desde el desembarco de los primeros convictos en New South Wales, en 1788, los aborígenes han luchado contra la invasión de su tierra. Mientras el impacto destructivo de la colonización ha influenciado seriamente su poder de resistencia, a comienzos de este siglo. La determinación aborigen de controlar sus propias vidas, que implica el recobrar algunas de sus tierras que han perdido, ha ganado mucha fuerza en los últimos 40 años. Varias estrategias han sido adoptadas hacia este fin. Empezando tal vez con la ida del pueblo *gurindji* de la Estación Wave Hill en 1966, los aborígenes han organizado numerosas protestas que han sido cubiertas por los medios de comunicación nacionales (y en algunos casos internacionales); se ha presionado a los políticos para obtener reconocimiento legislativo de su derecho a algunas tierras; los delegados han expresado sus quejas en reuniones del Grupo de Trabajo de las Naciones Unidas sobre Poblaciones Indígenas; y se ha hecho uso de las cortes, aunque tal vez menos frecuentemente que en otras colonias británicas, tales como aquellas en Norte América.

El impacto de algunas de estas decisiones ha sido significativo, sin embargo. El primer caso importante de derechos territoriales, »el Caso Gove«, fue presentado en 1969 por los *yolngu* del noreste de Arnhemland y resuelto por la Suprema Corte del Northern Territory en 1971. Los yolngu protestaron en contra del otorgamiento, por el gobierno federal, de un permiso minero a Nabalco en la tierra yolngu. Reclamaron que su título a la tierra, el cual ha existido desde »tiempo inmemorial« y ha sido violado por el gobierno, era un derecho legal de acuerdo con el derecho consuetudinario australiano (1).

De esta manera, los aborígenes desafiaron una de las fundamentales suposiciones legales con respecto a la colonización de Australia, eso es, la doctrina de *terra nullius*. Cuando la primera flota zarpó, era probablemente creído en general en Gran Bretaña, que Australia era prácticamente deshabitada (*terra nullius*-tierra de nadie en el verdadero sentido de la palabra). Sin embargo, la experiencia pronto probó que éste era lejos de ser el caso. Aun así, en la base de esta creencia, fue desarrollada una teoría que decía que, para propósitos legales, la tierra no tenía dueños o soberanos cuando los británicos llegaron. Por consiguiente, la tierra pertenecía a los últimos, los primeros »ocupantes verdaderos«. La doctrina de *terra nullius* de esta manera ha sido central en la legitimación de la toma de la tierra de los aborígenes.

Los yolngu apoyaron su demanda con referencia a muchos casos similares de los Estados Unidos, Canadá, Nueva Zelanda y otros lugares donde ellos pensaban que reconocían la existencia indígena de títulos sobre la tierra. En la decisión del caso, sin embargo, el juez Blackburn concluyó que cualquier reconocimiento que resultara de estas decisiones, era debido a la acción del gobierno (tratados, legislaciones, etc.) y no al derecho consuetudinario. Ya que el gobierno australiano no ha realizado tal acción, el juez decidió que el título aborigen no existe como un derecho legal y el caso fue rechazado. La sentencia confirma la aplicación de la doctrina de *terra nullius* en Australia.

La decisión pareció ser un mensaje claro para los aborígenes de que el sistema legal australiano tenía muy poco para contribuir a la corrección de los errores pasados. Sin embargo, el caso tuvo consecuencias políticas importantes. Como consecuencia de una insatisfacción pública considerable con el juicio, los derechos territoriales se volvieron un tema importante en el orden del día político. Con el tiempo, tuvo como resultado el *Acta de Derechos Territoriales Aborígenes (Northern Territory)*, aprobada en 1976, la cual les permitió a los aborígenes reclamar la propiedad de tierras desocupadas. Como el nombre del acta indica, sólo se aplica al Northern Territory, entonces el problema de la disposición aborigen todavía necesita ser tratado a nivel nacional.

El Caso Mabo

Después de que varios casos legales habían posibilitado a las cortes hacer declaraciones sobre la cuestión, el caso Gove fue finalmente desafiado en 1982 por el pueblo *meriam*,

de Mer, en el Estrecho de Torres. La Islas del Estrecho de Torres fueron anexadas por la Colonia de Queensland en 1879. Las Islas Murray (incluyendo Mer) fueron después convertidas en una reserva y el pueblo meriam continuó viviendo allí, de acuerdo a su sistema social tradicional. Sin embargo, en 1982 el gobierno de Queensland decidió que las reservas de aborígenes y de isleños deberían de ser entregadas a consejos especialmente elegidos a través de »Actas de Cesión en Administración«. Aparte del hecho que esto sería contrario a las formas consuetudinarias de tenencia de la tierra, también dio al ministro de Asuntos Aborígenes amplios poderes sobre las áreas en cuestión. Los isleños de Murray se negaron a aceptar ésto e iniciaron un caso en contra del gobierno. Entre otras cosas, reclamaban, como los yolngu antes que ellos, que su título a las tierras sobrevivía la llegada de los británicos y que era reconocido por el derecho consuetudinario.

La Suprema Corte en su reciente decisión decidió en favor de esta demanda (2). Se encontró que la adquisición de soberanía británica, no extinguió automáticamente el título de los pueblos indígenas. Como en decisiones de, p. ej., Canadá, se sostuvo que la Corona Británica adquirió el título »radical« y »subordinado« a la tierra; la posesión aborigen o isleña fue reconocida como un ya existente derecho legal, el cual se convirtió en una »carga« sobre el título de la Corona. El reconocimiento del gobierno del título indígena no era requerido.

En el proceso de alcanzar esta decisión, fue necesario para los jueces reconsiderar algunas reglas legales firmemente establecidas. Una de ellas fue la doctrina de *terra nullius*. Es una característica destacable del juicio, que marcó decisivamente esta doctrina como una ficción creada para justificar la colonización y desposesión, y estableció que debería de ser rechazada como insostenible en la Australia moderna. El rechazo de las doctrinas legales establecidas es un paso extremadamente inusual de las cortes, solamente tomado en casos extraordinarios. Los jueces mostraron gran consciencia de este aspecto del juicio y le dedicaron considerable cantidad de espacio para su discusión. Era claramente indicado que la corte más alta del país tiene la responsabilidad, en casos como éste, de mejorar la ley; al seguir esta obligación, la decisión mostró, en forma notable, la capacidad del proceso judicial para influenciar la dirección de la ley.

Decidir que la ley reconoce el título aborigen a la tierra era, sin embargo, solamente una parte del juicio. Otra parte, igualmente importante, fue la concerniente a la cuestión de la extinción de ese título. Se sostuvo por todos los jueces que »la Corona«, ya sea la fuerza imperial británica o los gobiernos estatales o federales, tienen el derecho de extinguir el título indígena. La legislación o la acción del gobierno, pretendiendo hacer ésto, tiene que mostrar una »intención clara y plena« de extinguir los derechos indígenas, p. ej., concediendo un título de feudo de la tierra a otro, el cual es inconsecuente con la ocupación continua por los pueblos indígenas. De esta manera la Corona ha extinguido el título de los aborígenes a grandes partes de Australia, y el apoyo de la corte de este principio era una manera de salvaguardar la propiedad de la tierra por parte de otros australianos.

Algunos de los jueces mencionaron importantes excepciones a esta regla. Crear reservas, regular los movimientos de aborígenes (lo cual ha sucedido en casi todas par-

Los tres demandantes de la Isla Murray fuera de la Suprema Corte de Queenslando (de izquierda a derecha) Padre David Passi, Eddi Mabo, abogado de los demandantes y James Rice. Foto: Aboriginal Law Bulletin, 1991.

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tes de Australia hasta cierto grado), o simplemente reclamar que la tierra es »tierra de la Corona« no equivale a una »intención plena y clara« para extinguir los títulos aborígenes o isleños. Además, la Corona concedería tierra para propósitos que no sean inconsecuentes con la continuación (parcial) de este título; fueron mencionados como ejemplos los parques nacionales y los arriendos de tierra a compañías mineras para prospección. Todos los jueces sostuvieron que la extinción del gobierno tiene que estar de acuerdo con la constitución y la leyes vigentes de la Mancomunidad Australiana.

Esto significa entre otras cosas que los futuros intentos para extinguir el título indígena serán sometidos al Acta de Discriminación Racial de la Mancomunidad, la cual prohíbe la restricción de los derechos, que otros gozan, de un grupo de gente. El acta fue aplicada en una etapa temprana del caso Mabo, en la ocasión de un intento del gobierno de Queensland de impedir el caso promulgando legislación retrospectiva, y fue rechazada por la Corte Suprema.

Finalmente, algunos de los jueces sostuvieron que la extinción del gobierno de títulos indígenas es equivalente a la expropiación y por lo tanto sujeto a demandas de indemnización dentro de ciertos límites temporarios (impidiendo de esta manera que los aborígenes presentaran a la nación australiana una cuenta por siglos de »expropiación«); aunque no se consiga una mayoría, podría resultar influyente en el futuro.

Fue decidido por los jueces que ninguna de la legislaciones o acciones del gobierno que se refieren a las islas Murray, mostraron alguna intención de extinción del título meriam a las tierras y que su título por lo tanto esta todavía en vigor. Es probable que aparezcan otros casos que investiguen las posibilidades planteadas por la sentencia. Queda por ser visto hasta que punto contribuirá al reconocimiento oficial de los títulos aborígenes e isleños existentes.

Conclusiones

Aunque las implicaciones prácticas legales están lejos de ser claras (4), es seguro que el impacto general de la decisión será ampliamente sentido. La ley australiana de propiedad de tierra, como la de otros sistemas legales occidentales, está basada en nociones europeas de propiedad privada, desarrollada en respuesta a una economía agrícola -y después industrial-; eso es, un fundamento totalmente ajeno a la organización de las sociedades aborígenes e isleñas. Al establecer que el derecho consuetudinario reconoce el título indígena, la magistratura ha hecho un intento importante para limitar este aspecto eurocéntrico del sistema legal.

Los jueces rechazaron la tendencia de muchas decisiones anteriores (en Australia y en otros sitios) de caracterizar los sistemas de tenencia de tierra indígena y la organización social en términos de conceptos europeos. Fue claramente expresado por la mayoría, que el título de aborígenes e isleños debería de ser entendido de acuerdo con sus propias tradiciones y leyes; si podría ser llamado »propietario« de acuerdo al pensamiento legal occidental es indiferente. De esta manera la corte ha hecho una contribución importante para el entendimiento de los factores culturales involucrados en casos de este tipo. Es un paso importante hacia un tratamiento de los problemas indígenas, menos influenciado por el sistema legal.

Además, al comentar sobre la gran injusticia que las poblaciones indígenas han sufrido debido a la colonización y al permitir que ésto influya en su decisión, los jueces han destacado la obligación del resto de la población australiana para rectificar estas injusticias lo más posible. En los últimos años, ha surgido un deseo entre algunos australianos blancos de mejorar las relaciones con los pueblos indígenas así como las condiciones bajo las cuales viven. Las conversaciones sobre un tratado o *»makarrata«*, la investigación de la Comisión Real de las muertes de aborígenes en custodia, y más recientemente la creación de un Consejo de Reconciliación, han sido todas expresiones de conciencia política de este deseo. Sin embargo, los aborígenes e isleños han estado frecuentemente insatisfechos con su real influencia en las políticas. Parece ser razonable esperar que el firme reconocimiento de los títulos indígenas como derecho legal, tanto como el rechazo de la idea que Australia »no tenía poseedor« cuando los británicos llegaron, les dará una posición más fuerte de negociación para un futuro acuerdo con el gobierno.

Finalmente, al condenar las pasadas acciones y políticas como inconsecuentes con »las nociones contemporáneas de justicia«, la Suprema Corte ha creado grandes expectativas de cambio, lo cual será sumamente difícil para el gobierno de Australia de ignorar.

Notas

(1) Milirrpum y Otros v. Nabalco Pty. Ltd. y La Mancomunidad de Australia, *Federal Law Reports*, vol. 17, 1971, pág. 141-294.

(2) Eddie Mabo y Otros v. The State of Queensland, F.C. 92/014. 1992, 218 pág. (a ser publicada en los *Commonwealth Law Reports*)

(3) Quedó claro a través del juicio que aplica a la situación de los aborígenes así como a la de los isleños.

(4) Para lectura adicional sobre la decisión ver: B. Keon-Cohen: »Eddie Mabo y Otros v. The State of Queensland«, *Aboriginal Law Bulletin*, vol. 2, No. 56, 1992, pág. 22-23. G. Nettheim: »... As Against the Whole World«, *Australian Law News*, Julio 1992, pág. 9-14.

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Los bosques de Nitassinan

Introducción

Nitassinan tiene un clima riguroso. La estación fértil es corta, fresca, y la línea que limita los tipos de árboles divide nuestro territorio. En la región de nuestro territorio comunmente conocida por Labrador (Canadá), hay sólo una zona importante de bosque cerrado, en su mayoría píceas negras y pino bálsamo. La provincia de Newfoundland ha designado esta área para la explotación maderera (ver el mapa). Esto nos ha preocupado mucho a nosotros, los *innu*, los habitantes originales de esta tierra.

Nunca hemos abandonado nuestros derechos a nuestra tierra. No hemos firmado ningún tratado. Continuamos viviendo una gran parte de nuestras vidas en el campo. Los bosques satisfacen muchas de nuestras necesidades: nos brindan abrigo, habitat para los animales de los cuales dependemos, leña para nuestros fuegos, nuestros calzados de nieve, nuestros tambores.

Estamos muy preocupados porque nuestros bosques son demasiado frágiles para soportar las operaciones comerciales madereras modernas en gran escala. Ha habido explotación forestal en el pasado. La compañía Labrador Linerboard dio bancarrota en los años 70, dejando grandes pilas de árboles pudrirse en el bosque. Cuando se anunciaron los planes para el establecimiento de aserraderos y plantas de pulpa de madera, en 1990, nos pusimos en acción. Establecimos un bloqueo para detener la construcción de caminos de acceso al bosque.

No estamos más dispuestos a permanecer callados mientras que nuestra tierra es destruida. Hemos comenzado a desarrollar nuestro propio plan de manejo forestal, basado en la mejor investigación científica. Nos hemos hecho cargo de nuestros bosques durante milenios, y continuaremos haciéndolo.

Ni plan de manejo forestal, ni comprensión del bosque

El bloqueo fue establecido por muchas razones. No habíamos acordado la construcción de más caminos, ni de más talado de bosques. El gobierno no estaba siquiera respetando sus propias leyes: no tenía un plan de manejo forestal listo, ni tampoco tenía un buen conocimiento del bosque. Su inventario era incompleto, su estimación de la Cuota Anual de Talado Permisible era tentativa, y no había sido apropiadamente ajustada para tomar en cuenta otros usos de la tierra y la protección ecológica requerida. No había ni siquiera una evaluación científica para ver si estos frágiles bosques podrían soportar las operaciones comerciales propuestas.

El gobierno de Newfoundland sólo ve la madera

El gobierno de Newfoundland continúa promoviendo la extracción maderera. Por ejemplo, un folleto promocional del gobierno, *Los Recursos Forestales de Labrador*, dice:

> *Los bosques de Labrador son quizás la mayor concentración de madera virgen de alta calidad que queda en el este de América del Norte.*
>
> *...93% del área contiene reservas con una altura aproximada entre 10 y 15 metros... las condiciones de cultivo del norte dan como resultado un bosque excepcionalmente denso...*

Luego pasa a afirmar confiadamente las oportunidades para la Industria, pero un párrafo final es revelador. El gobierno ofrece subvenciones, préstamos, financiamiento equitativo y otras formas de asistencia financiera, y apoyo en infraestructura, *»...siempre y cuando el proyecto no fuera viable de otra manera, y el beneficio neto de la Provincia fuera aceptable.«* En otras palabras, incluso si la explotación maderera no tuviera sentido desde el punto de vista económico, les

daremos dinero para hacerlo.

La explotación maderera comercial en Nitassinan, ha sido fuertemente subsidiada en el pasado y lo será muy probablemente en el futuro. Puesto en forma simple, existe una interrogante muy seria sobre si la explotación maderera aquí tendrá alguna vez una validez económica. Para hacer dinero, las compañías han operado con seguridades ecológicas mínimas. Los bosques son escasos, el acceso limitado, las condiciones operativas difíciles.

Investigación de la Nación Innu

La Nación Innu decidió realizar sus propias investigaciones. Primero contratamos a George Marek, un experto forestal con más de 40 años de experiencia con los bosques de píceas negras de Ontario, para que examinara los bosques, los talados pasados, los planes operativos, y brindara sus recomendaciones. En su informe, *Operaciones Forestales y Silvicultura en la Unidad 19 de Manejo Forestal*, (enero de 1992), concluyó:

> *...parece haber solamente un vago compromiso de renovación forestal en Labrador, en general, y de retorno a una condición que asemeje al bosque natural.*
>
> *Los cálculos de la Cuota Anual de Talado Permisible (AAC)... parece extremadamente alta e irreal.*
>
> *La observación del terreno reveló también una pobre protección de arroyos y corrientes de agua...*
>
> *Todos los documentos examinados mostraron una pobre comprensión de los bosques y tierras forestales. Hay una básica falta de antecedentes informativos en todos los campos de manejo de tierras forestales y de reconocimiento de que muchas áreas frágiles deberían ser excluidas de la producción maderera.*

Después de examinar el informe de Marek, la Nación Innu decidió que era necesaria una investigación más profunda. Específicamente, los innu decidieron preguntar:

> *La primer cuestión que debe ser referida, si es que las operaciones forestales van a tener lugar en una escala superior a la satisfacción de las necesidades locales, es, ¿puede **algún** tipo de operaciones forestales comerciales realizarse en nuestros bosques de una forma que sea ecológicamente sustentable?*

La Nación Innu contrató recientemente a Herb Hammond, un ecologista forestal de British Columbia, para revisar la literatura y recoger datos de campo para resolver esta cuestión básica. Esta investigación está ahora en marcha. Hammond es asistido por ayudantes investigadores innu, quienes están aprendiendo en la medida que trabajan. Los resultados preliminares indican que los bosques tienen un potencial muy limitado para la explotación maderera comercial, y que los otros »servicios« brindados por el bosque son de un valor comercial mucho mayor (para no mencionar el valor cultural y espiritual).

La Nación Innu combina una sólida investigación científica con el conocimiento y la sabiduría de nuestros mayores. Los mayores comparten su conocimiento con los científicos a cargo de la investigación, quienes a su vez informan sus conclusiones a los mayores. Esto asegura que el valor de nuestra forma de conocimiento de los bosques, nuestra experiencia con el bosque como pueblo, durante los últimos milenios, sea reconocida e incluida en nuestro enfoque de manejo.

Como el gobierno de Newfoundland ha sido incapaz y contrario al desarrollo de un plan de manejo totalizador del bosque, la Nación Innu ha decidido desarrollar su propio plan de manejo. Este plan será apoyado por una investigación sólida, y asegurará que la salud del bosque se mantenga.

Aunque los esfuerzos innu han estado concentrados en la región alrededor del Lago Melville, existe también una propuesta de explotación maderera en la región cerca de Cartwright, por parte de Interwood Co. Ltd., propiedad de Baugerate, de Austria. Esta propuesta cortaría más árboles que los permitidos por la Cuota Anual de Talado Permisible. Tampoco hay ningún plan de manejo forestal para esta área.

Areas para cooperación e investigación

La Nación Innu está interesada en cooperar con investigadores y pueblos aborígenes de otras áreas donde los bosques boreales se acercan a su límite septentrional. Queremos aprender de las experiencias de otros, evitar los errores cometidos en otras partes, y asegurar que tengamos acceso a la mejor información científica respecto a los bosques boreales de nuestros territorios. La Nación Innu también incorpora a otros investigadores que encaran el bosque desde una perspectiva totalizadora, para revisar los estudios que hemos hecho. También estamos interesados en una revisión de los planes de manejo forestal desarrollados por otros pueblos aborígenes, y compartir nuestras experiencias.

Sumario

Las preocupaciones fundamentales de la Nación Innu relativas a la explotación forestal son las siguientes:

- sustentar la tierra de tal manera que nuestro pueblo pueda continuar cazando, poniendo trampas, recolectando y viviendo de la tierra;
- asegurar que nuestros derechos y tierras sean protegidos para las futuras generaciones innu, bien a través de negociaciones con Canadá y Newfoundland, o, si no se puede lograr un arreglo satisfactorio, a través de otros medios;
- asegurar que cualquier desarrollo que ocurra antes de cualquier arreglo, tenga la aprobación de la Nación Innu, para no perjudicar las negociaciones;
- asegurar que cualquier tipo de desarrollo que ocurra sea sustentable ecológicamente y respete nuestros valores culturales y espirituales; y
- asegurar que cualquier desarrollo de nuestros bosques beneficie al pueblo innu.

Desde este punto de partida, la Nación Innu encara el desarrollo de planes de manejo de nuestros bosques de la siguiente manera:

1) el futuro del pueblo innu está íntimamente vinculado con la tierra;
2) consideramos los bosques como nuestros, y cualquier desarrollo del bosque debe tener nuestra aprobación y no debe perjudicar nuestros derechos;
3) debe ser probado que el bosque puede soportar las operaciones forestales, y las formas que estas operaciones puedan asumir;
4) la delimitación de áreas forestales debe ser preparada para asegurar la protección de valores ecológicos y culturales, y para determinar cuanta madera puede ser realmente explotada;
5) el plan de manejo detallará las técnicas de manejo forestal a ser aplicadas; y
6) las operaciones forestales deben beneficiar al pueblo innu y no llevar al dislocamiento social, y consideramos que es más importante beneficiar al pueblo de la región que exportar nuestros productos al extranjero.

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Argentina: Cólera en la Provincia de Salta

Por: Morita Carrasco

¿Nunca va a acabar esta pobreza?
Yo creo que tiene que haber una solución.
Elías Pérez (San Luis)

Los primeros afectados fueron los wichí

El 2 de febrero de 1992 una pequeña y olvidada ciudad fronteriza de la República Argentina (Santa Victoria Este) estuvo en la primera página de todos los diarios locales y extranjeros. La razón: dos indígenas *wichí* (un joven de 20 años y una mujer de 30) morían a causa del cólera.

En medio de copiosas lluvias -habitual en esta época del año- y una altísima temperatura, el personal de enfermería del hospital base del área operativa VIII en Santa Victoria Este recibía a dos pacientes wichí de Misión la Paz. Al llegar, ninguno de ellos presentaba síntomas claros de enfermedad, sólo un profundo agotamiento que se atribuyó al calor sufrido durante el viaje.

Al poco tiempo, sin embargo, comenzaron a manifestar calambres en todo el cuerpo y luego de transcurridas apenas dos horas murió el joven, sin que hubiese habido siquiera la posibilidad de efectuar un diagnóstico provisorio para procurarle atención médica. Casi enseguida murió la mujer. Ahora sí, ya no cabían dudas: los enfermeros tuvieron que admitir que los fallecidos habían contraído la temible enfermedad.

Pese a la forma abrupta y dramática de su presentación, el equipo de este hospital rural de una región muy postergada de la Argentina, había sido prevenido y entrenado por su director a fin de que pudieran actuar con celeridad y autonomía en circunstancias como ésta. Sin embargo, fue la ausencia de sintomatología evidente -dado el grado avanzado de deshidratación que presentaban los enfermos- lo que ocasionó el desconcierto inicial.

Poco tiempo después de desatada en Perú, la epidemia de cólera se trasladó a Bolivia y desde aquí se propagó con toda velocidad hasta la frontera argentina. En octubre de 1991 ya se tenía en el Ministerio de Salud y Acción Social de la Nación, datos sobre el número de bolivianos afectados. En noviembre y diciembre un equipo de médicos argentinos viajó a Perú para capacitarse en todo lo referente al tema.

Dado que el vibrón ataca primero a individuos que tienen disminuida la acidez estomacal, eran especialmente susceptibles de contraer la enfermedad: desnutridos, ancianos, gastríticos. Respecto a las formas de propagación, tomando como base la información teórica y los datos del Perú se presuponían dos vías: 1) el agua y 2) el contacto interpersonal a través del circuito ano-mano-boca.

Al parecer, la epidemia se propagó en Lima a partir del agua distribuida por red. Debido a la elevada concentración poblacional de los últimos veinte años, se produjo en esta ciudad una sobrecarga de habitantes sin que se previera la realización de obras para la construcción de una red sanitaria. La lógica saturación de ésta trajo como consecuencia fisuras en la cañería provocando la filtración de líquidos contaminantes en la red de agua potable que corre paralela a la anterior. No obstante, según los especialistas, el foco principal de propagación fueron los puestos ambulantes de comida en el centro de Lima donde se alimenta la mayor parte de la población de los pueblos jóvenes que trabaja en la ciudad. Es decir que de las dos vías de trasmisión señaladas, la de mayor riesgo por las dificultades de establecer un control serio, era la de los contactos personales.

Por escueta que pudiese parecer la información arriba detallada estaba desde un comienzo en manos de las autoridades responsables de la salud de la población en Argentina y, además se contaba con médicos que habían adquirido algún nivel de conocimiento y práctica en el tema. Sin embargo -lamentable es decirlo-, no se encararon tareas sistemáticas de prevención ni aún en las provincias más vulnerables como la provincia de Salta hasta después de producidos los primeros casos.

Prevención y lucha contra el cólera

Santa Victoria Este donde se encuentra el hospital base del área es la única agrupación urbana del departamento Rivadavia Banda norte. Como sede del gobierno municipal (desde 1976) en ella se concentran los servicios básicos de que disponen los 7.000 habitantes del departamento: hospital, estafeta postal, escuela secundaria, y tres almacenes de ramos generales. No existe policía, ni juez de paz, sólo un puesto de gendarmería para el control de la frontera. En el conviven 4.500 indígenas *mataco, chorote, toba* y *chalupí* agrupados en 28 comunidades y 2.500 blancos »criollos« ubicados en 277 unidades de explotación ganadera.

El clima es cálido o tórrido con dos estaciones bien delimitadas por la disponibilidad de agua. Las lluvias oscilan entre los 550 y 800mm, concentradas en los meses de verano (noviembre a abril) seguidas de una larga sequía invernal. El acceso habitual al lote se produce por una amplia senda que comunica a Santa Victoria Este con la ruta que conduce a la ciudad de Salta. Internamente los

Provincia de Salta

asentamientos indígenas y los puestos criollos se comunican a través de pequeñas sendas o »picadas« (senderos angostos abiertos a golpe de machete en el monte). Debido a su precariedad estas vías de comunicación están sujetas a cortes por lluvias y avances de los montes, quedando los pobladores temporalmente aislados del resto de la provincia. Recientemente debido a exploraciones en busca de petróleo en zonas aledañas, Yacimientos Petrolíferos Fiscales ha construido varias pistas de aterrizaje de pequeñas dimensiones que suelen ser utilizadas como comunicación para casos de emergencias durante la estación estival.

Luego de aparecidos los primeros casos de cólera en Bolivia, por iniciativa de la dirección del hospital, se organizó en Santa Victoria una comisión de vecinos y funcionarios de la Municipalidad con el objetivo de divulgar entre los pobladores la información disponible sobre el cólera, a fin de que los mismos tomasen conciencia y pudieran en consecuencia, prevenir posibles contagios.

Recuerdo que durante mi estadía en julio y agosto de ese año, la familia con la cual me hospedaba colectaba y cloraba en un tanque de 1.000 litros, el agua que por red llegaba a su casa. Así, -decía- evitaría no sólo la enfermedad de los propios sino también de los miembros de la aldea de KanoHis (distante 1 km) que concurrían a esta casa a buscar el agua para el consumo de sus familias. La comisión de vecinos que integraban también algunos representantes de las fuerzas vivas alcanzaron a incidir en el consejo deliberante, para que se dictara una ordenanza multando a los vecinos que no construyeran en sus casas letrinas y pozo basurero. Lamentablemente, según me explicó un integrante de la comisión, en ese tiempo llegó la campaña electoral por las elecciones para gobernador, diputados y senadores, por lo que luego de las primeras reuniones, ésta se disolvió sin que llegaran a iniciar los programas con los cuales se habían comprometido. Por otra parte ya habían comenzado a llegar los camiones con mercadería que enviaban los candidatos, y las visitas de éstos haciendo promesas a cambio de los apoyos necesarios. Lo cual dio lugar a la reproducción de intrigas y enfrentamientos inter e intrapartidarios que se reflejaban con toda claridad dentro mismo de la comisión impidiendo su funcionamiento.

Finalmente, transcurridas las elecciones y pasado el fragor de las luchas políticas, se retomó en parte la organización para la prevención, aunque ahora con una actitud menos comprometida por parte de los vecinos, circunscribiéndose el problema al ámbito exclusivo del hospital.

Es así que a las condiciones necesarias que favorecían la epidemia, se sumaba la negación por parte de los sectores del gobierno que tienen responsabilidad sobre estas cuestiones a oír las advertencias formuladas desde quienes cotidianamente conviven con ellas. Es claro que nada se hizo en términos de prevención, sin embargo aún quedan preguntas sin responder: ¿se desconocían las condiciones de existencia de vida y, por ende de riesgo de estas zonas del país?; ¿se pensaba que la enfermedad no afectaría a las poblaciones allí asentadas?; ¿la insuficiencia en la información alcanzaba también a los ámbitos de decisión de modo que la desatención pudiera explicarse por una cierta ignorancia?

Finalmente, los hechos se produjeron tal como había sido previsto: en ausencia del médico, sin reemplazante y con el agravante que dada la asintomatología de los casos no se iniciara el tratamiento como se había sugerido.

El »comando operativo de lucha contra el cólera« una vez desatada la epidemia

Luego de las primeras muertes (5) el minis-

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terio de Salud Pública de la Nación y el de la provincia de Salta, concentraron su personal en el hospital de base de la ciudad de Tartagal, que bajo la dirección de Saneamiento Ambiental dio comienzo a las »operaciones de asistencia y control del cólera«. Hasta aquí llegó el aporte del gobierno nacional, no sólo en recursos económico sino humanos, quedando entonces constituido el comando operativo.

Es necesario destacar ahora el peso político de Santa Victoria Este en el contexto provincial. En su mayor parte toda la región chaqueña de la provincia (y en especial las zonas de reserva indígena) es relevante sólo en tanto masa electoral, a diferencia de otras regiones, también rurales que por su posición en la estructura económico-social actúan frente al poder político como grupo de presión o clase dominante. Consecuentemente, el estilo de las relaciones políticas en la zona que nos ocupa es el de la manipulación y el clientelismo. En este sentido, el municipio de Santa Victoria Este es el paradigma del modo como se consolidan las alianzas partidarias, como se »pagan« los favores de los clientes y, en suma como se construyen redes más o menos fijas de apoyo para la consolidación de las estructuras políticas provinciales (partidos, elecciones, parlamento). Estas redes se refuerzan a su vez por la falta de autarquía municipal, que al no generar recursos propios depende en su totalidad del aporte presupuestario del ejecutivo provincial.

Dado que numéricamente son las comunidades indígenas el sector del electorado que define el éxito en las urnas, la praxis corriente de las estructuras partidarias se asienta sobre dos tácticas fundamentales: la cooptación de los caciques y líderes poco representativos de los intereses de la gente y la asistencia (sobre todo la distribución de mercaderías) en períodos pre-electorales. La perversidad del oscuro objetivo que se persigue con estos mecanismos no es desconocida por los miembros de las aldeas indígenas. Por el contrario son permanentes las denuncias que hacen sobre el modo como »los políticos« compran sus votos y no cumplen luego con sus promesas electorales. Un ejemplo extremo de ésto ha sido el usufructo de los propios recursos de la administración provincial (no ya del partido) en las últimas elecciones para conseguir el triunfo partidario. Desde el Ministerio de Bienestar Social salieron los vehículos y el personal que sirvió como apoyo al candidato a senador provincial (entonces ministro) por el departamento Rivadavia Banda Norte.

Es por ello que la comisión de Santa Victoria sumaba a los conflictos y problemas derivados de las contradictorias medidas adoptadas en el comando operativo Tartagal, toda la serie de conflictos intersectoriales no resueltos. Los cuales recrudecían en la situación de crisis actual.

La enfermedad de los pobres

Si como se dijo antes el cólera se propaga con rapidez hasta constituirse en epidemia a partir de que existan ciertas condiciones objetivas de posibilidad, vamos ahora a pasar revista a éstas en el contexto de la provincia de Salta y en especial en la zona del área operativa VIII donde se inició la epidemia.

1. La destrucción del ecosistema

El habitat natural originario del chaco salteño comprendía dos grandes nichos de aprovechamiento: 1) lagunas, cañadas y cursos de agua permanentes y 2) bosques y pastizales. Durante siglos, la explotación racional y complementaria de los recursos provenientes de ambos nichos había permitido la reproducción económico-social de los pueblos indígenas, cuyos descendientes encontramos hoy en día asentados en las 28 comunidades.

Los ríos, cañadas y lagunas constituyen el principal proveedor de proteínas para los miembros de las comunidades asentadas en la ribera del Pilcomayo, aventajando en este sentido a las montaraces sobre todo en invierno que es la época de mayor escasez de los recursos del monte.

La ocupación del territorio por parte de los blancos, ocurrida a principios de siglo, redujo notablemente el aprovechamiento de los recursos naturales, pese a lo cual se mantuvo casi intacto el mismo patrón de usufructo. En las condiciones actuales de pobreza y miseria regional el río es prácticamente la única opción de vida posible para 4.500 indígenas, y ello sólo durante los meses de invierno. La caza, por su parte es la actividad productiva que más cambios ha sufrido desde entonces.

El sobrepastoreo del ganado de los »criollos« debido a la falta de implantación de pastos, unido a un manejo irracional de la explotación, trajo como consecuencia la erosión y empobrecimiento de los suelos y un desequilibrio ecológico irreversible. Afectando no sólo a los pueblos indígenas sino también a los mismos criollos que día a día se van empobreciendo dado los constreñimientos ecológicos y la falta de políticas de desarrollo regional global.

Una gran extensión de superficie ha perdido totalmente elementos florísticos y faunísticos, alterando substancialmente las interrelaciones ecológicas y las posibilidades de aprovechamiento humano. En términos generales, los bosques de maderas aprovechables han pasado a fachinales arbustivos de baja producción. Como contrapartida, los pastizales han verificado el sobrepastoreo, transformándose en peladeras sin vegetación alguna. Y paralelamente, por el desplazamiento del ganado en busca de pastos, los bosques se han extendido formando grandes superficies de monte impenetrable.

La desaparición de los pastizales y su transformación en comunidades leñosas trajo aparejada una terrible competitividad por el alimento entre las comunidades indígenas recolectoras de vegetales alimenticios y textileros, y el ganado de los criollos. Dependiendo exclusivamente del forraje de los montes, vacas y chivos consumen casi todas las especies, ya sea por sus frutos, sus hojas secas y sus brotes verdes, con lo cual toda la vegetación que está a su alcance se ve afectada.

Cambios drásticos -como los apuntados- en la diversidad y disponibilidad de los recursos han alterado la vida presente y futura de los pobladores del fiscal 55. Entre ellos son los cazadores pescadores recolectores quienes más perjuicio han sufrido, no sólo en lo que respecta a su reproducción económica, sino fundamentalmente en el daño que la destrucción del medio ambiente produce en la reproducción de la propia identidad cultural. En un conciso y claro alegato (1984-1991) los 28 caciques reclaman al gobierno local el uso múltiple y colectivo de los variados recursos naturales en su extensión total, libres de la competencia con los animales introducidos e irracionalmente manejados por los criollos.

2. Las necesidades básicas

»Si tenemos que morir como si fuera que no tenemos presidente. Vivimos como una bestia porque el presidente no tiene alcance para ayudar a los pobres. Y los pobres tienen que seguir muriendo, no hay forma ¿qué vas a hacer?« (mataco Kanohis)

Si la pobreza es medida de relación a la satisfacción de necesidades vitales, todo el departamento Rivadavia Banda Norte debe situarse **por debajo de los niveles mínimos de subsistencia**. En una palabra correspondería hablar de **situación límite de privación absoluta**. Y si a ello se le suma la escasa capacidad de audiencia que tienen sus pobladores en el sistema político para exigir una respuesta a sus demandas, el círculo de la pobreza se cierra fatalmente.

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Según estadísticas oficiales del Ministerio de Salud y Acción Social de la Nación, la provincia de Salta figura entre aquellas seis provincias con tasa de mortalidad infantil más elevada (32,3 en 1989 frente a la menor registrada en Capital Federal 15,9) En el área operativa VIII esta cifra alcanzó en 1990 el 66,6 por mil. Pero no es ésta la única desgracia que abate a los pobladores indígenas y criollos del lote fiscal 55. La tuberculosis, el mal de chagas y el ofidismo, además del flagelo del hambre por la creciente destrucción del medio ambiente, son causas de muerte diaria para ellos. A modo de ilustración ténganse las siguientes cifras: durante el primer trimestre de 1991 se detectaron 86 enfermos de tuberculosis con sintomatología evidente. De éstos sólo 20 recibieron tratamiento y 22 fallecieron. En tanto fueron 36 los enfermos de tuberculosis detectados en 1990 (año completo).

Refiriéndose al tema decía el director del hospital: *»Acá el problema no es nuevo. A las patologías de base suma ahora el cólera. Para nosotros es como una epidemia más. Acostumbrados como estamos a arreglarnos solos. **El problema aquí es estructural**. Años y años de sometimiento al asistencialismo y al clientelismo políticos. Para explicar las causas hay que hacer un correcto repaso histórico regional o zonal para ver cómo se han venido produciendo los reacondicionamientos sociales y políticos en la zona«.*

Otro médico que colaboraba en la atención de pacientes durante la epidemia decía: *»En las Mojarras no hay qué comer. Faltan medicamentos, no hay sueros. Por eso yo digo que no hay política ni proyecto definido con el cólera.«*

3. El saneamiento ambiental es nulo

En el cólera, quizás más que en otras enfermedades gastrointestinales, el medio ambiente constituye un ámbito de riesgo elevado principalmente en lo referente a disposición de excretas y tratamiento de la basura. Lo que nos induce a caracterizar nuestra realidad ambiental a partir de tres elementos básicos: agua, cloacas, basurero. Dejando la cloración de agua de bebida como última de las soluciones a cargo de las personas y para su exclusiva protección. En tanto es de competencia de los responsables del área de salud lo relativo a previsión y control según los principios mencionados, sobre todo en las poblaciones más alejadas, no importando la densidad demográfica sino la calidad ambiental. Puede suceder que existan poblaciones con muy poca gente en sitios donde pasan ríos que pueden ser focos de contaminación; o puede tratarse de pueblos pequeños con

Indígenas chorote. Foto: Morita Carrasco.

alta tasa de mortalidad por causa de patologías de base (tuberculosis, chagas, etc.).

Quiere decir, entonces que es con respecto a estas zonas que deben trazarse los planes de mejoramiento ambiental y saneamiento social. Y son, se supone estas mismas reflexiones las que guían la labor de las naciones puestas a debatir el tema del desarrollo y el medio ambiente. Es en estos términos que los países de América Latina, reunidos en Mar del Plata en la Conferencia Internacional del Agua, se comprometieron a llevar adelante un plan de cobertura casi total de agua en la década del 80 al 90, lo cual no ha podido lograrse aún.

El 71% de la población salteña está urbanizada y de ella el 92% cuenta con agua potable. En tanto sobre un total de 40.235 viviendas rurales sólo 8.356 tienen agua, es decir sólo el 20%. Mientras que en Salta el 47% de la población urbana tiene cloacas, sólo 26 viviendas rurales del total de 40.235 cuenta con el servicio.

Cuando comenzó el cólera ya se tenía un panorama de la situación en relación con el suministro y se sabía que para alcanzar una **cobertura mínima** deberían realizarse 40 nuevas perforaciones. Pero las directivas emanadas de la oficina central de Aguas de Salta eran evitar muchas perforaciones, dado el costo de las mismas, calculado en 1991 en U$30 a U$35/metro. Cabe aclarar que este organismo oficial -como tantos otros en Argentina- se encuentra en vías de ser privatizado.

Otro obstáculo para la provisión de agua (según los empleados de AGAS) es la falta de energía. Dado que la mayoría de los asentamientos dentro del fiscal 55 no cuenta con electricidad, los pozos funcionan con sistema de molino de viento o bomba manual. Ello reduce el abastecimiento a mínimos insuficientes. Al respecto vale el ejemplo de Alto de Sierra en donde, para un total de 600 indígenas y 300 criollos, hay un molino (averiado) y un tanque de recolección de 1.000 litros.

La falta de agua es más grave en los parajes más alejados del río como es el caso de la escuela-albergue de El Mulato y la de Chañar Alto. Aquí los maestros y pobladores vecinos a la escuela deben arreglarse con el agua del »charco« (represa natural) a donde entran a beber los cerdos, cabras y vacas de los alrededores. Los maestros suelen decir que hierven el agua y luego la dejan airear, sin embargo he visto que mucha gente simplemente deja que se asiente la suciedad y luego la usan para cocinar y eventualmente beber.

A todos estos obstáculos »naturales« se suman los institucionales. La falta de presupuesto para mantenimiento y reparación de equipos, la escasez de personal debido a los más bajos salarios y finalmente, aquellos problemas derivados del uso indebido o despreocupado de los propios empleados.

Existe, además de los mencionados, otro medio de provisión de agua: el traslado en tanques de 5.000 litros desde Santa Victoria Este, tirados por tractor. Pero este no se lleva a la práctica habitualmente debido a la

casi permanente escasez de combustible en la zona y a la transitabilidad de los caminos interiores.

Consiguientemente para proveer de agua a los habitantes del lote es preciso efectuar las perforaciones planeadas, verificar la calidad del agua y mantener el control y vigilancia permanente de equipos.

Por último, en lo referido a »tratamiento de excretas« al no contar con un programa de prevención, el »comando operativo« (al parecer avalado por reglamentos provinciales de »emergencia sanitaria«) apeló al uso de la fuerza pública (ejército y gendarmería) para intimidar a los pobladores indígenas a que construyeran sus letrinas. No creo necesario recalcar que el miedo y la represión no son mecanismos adecuados para intentar imponer la adopción de un hábito sociocultural, ni aún en circunstancias como ésta. Al tiempo que resulta ingenuo pensar que luego de construir sus letrinas a punta de ametralladora los indígenas hicieran uso efectivo de ellas.

Y ello dejando de lado que mecanismos coercitivos como éstos, lejos de favorecer una toma de conciencia relativa a la prevención sanitaria de los individuos alienta aún más la producción de estereotipos y prácticas políticas de sometimiento a relaciones paternalistas de algún tipo. Si es Gendarmería o Ejército quien reprime, se solicitará el amparo de políticos o religiosos quienes muchas veces desconociendo la perversidad del sistema, argumentan en pro de sus defendidos, razones culturales, opacando de este modo, la develación de las verdaderas causas que subyacen en el fondo. Así decía un hombre mataco de Misión San Luis:

»Ahí tenemos otros problemas que nos hacen las autoridades. Que dice que hay una ley que el que no hace el trabajo rápido (letrinas) a ese le llevan preso. Y a varios de nuestros hermanos le han hecho trabajar un día en la gendarmería y eso es lo que estamos muy preocupados por eso. Como te digo, ***si alguien viene a vernos y aprende a escucharnos a nosotros****, yo no creo que mienten ellos, pero* ***nosotros no mentimos*** *tampoco a ellos, que estas cosas no faltan, que esta cosa no podemos hacer nosotros, entonces es lindo que nos escuchen, nos cumplen, y nosotros también queremos cumplir. Pero yo diría que ellos también nos tienen que cumplir y* ***tienen que ver la necesidad que nosotros tenemos****. Nosotros somos muy necesitados. Y cómo puede ser que ellos vienen nos dan consejo y así nos dan comidita y bueno, pero eso no voy a decir que un día me lleven preso, eso voy en contra. Lo que a mi me parece bien es que ellos tienen que venir a ver qué necesidad tenemos: ¿estamos bien o estamos mal? ¿Tenemos para comer o no tenemos? No podemos trabajar muy rápido porque tenemos que salir a rebuscar. Entonces yo quiero que ellos nos puedan cumplir también y de no creo que así no vamos a ir bien, porque yo creo que así vamos a ir mal. Ahora si, todo lo que nos dice, pescado comen muy cocido, pero si estoy contento, no voy a decir que no. Pero ahora si es que nosotros no trabajamos rápido y entonces nos van a llevar presos, eso no me parece bien. Eso creo que está mal, parece que están queriendo castigar a nosotros. Y eso no me parece bien. Eso creo que está mal. Cuando ellos vienen nos conversan, nos hablan y estamos muy atentos, pero ¿qué pasa? ¿ahora no nos escuchan? Están bien los consejos, pero nada más que ellos no preocupan, qué solución nos dan, eso estamos esperando«.*

»El gobierno sólo hace asistencialismo. Cuando vino el presidente le demandaron fuentes de trabajo, pero no escuchó nada. Cuando vino el ministro y les ofreció los bolsones familiares (asistencia alimentaria) ellos le dijeron que eso no sirve. Que acá hace falta entregar mucha mercadería, hay que hacer obras, quieren trabajo, quieren soluciones definitivas« (una religiosa).

4. Información Insuficiente

»Conocemos la enfermedad ésa, pero uno no puede cuidar. Pero Gracias a Dios que no nos toca. Nosotros decimos que ya pasó la enfermedad ésa, pero no hay que descuidarse« (mataco de Kanohis).

En relación con la prevención como medio para evitar la propagación de la epidemia, como se vio, la experiencia peruana señalaba la importancia de una buena campaña informativa y de esclarecimiento para toda la sociedad. Ello no es fácil desde luego sobre todo si se trata de una enfermedad desconocida. Pero más grave aún es condensar en este punto todas las demás medidas que deben adoptarse -o deberían haberse adoptado- en Santa Victoria Este.

El desplazamiento de la enfermedad a la esfera de los »otros« (médicos, enfermeros) permite, a la vez que objetivar las propias condiciones de vida, dejar al descubierto las causas y sus responsables.

»El problema es que nosotros, todos, médico que vienen a hacer la campaña y nos dicen que todos tenemos que cuidar, limpiar, lavar las manos, eso estamos de acuerdo, eso está bien, yo no voy en contra de eso pero lo que sí estamos mal es que ***nosotros no tenemos nada que comer y todo el tiempo vivimos así*** *no tenemos nada que comer. Uno trabaja un rato haciendo baño y tiene que dejar, salir a campear, pescar. Y justamente nos dicen que pescado mejor de no comer pescado en estos momentos. Pero al último alguno tiene que salir a pescar, porque no hay nada para comer.* ***Ese es la cosa que nosotros no podemos solucionar****, no tenemos ninguna forma, no hay ninguna salida,* ***ese es el gran problema que tenemos****. Y bueno, ésto yo no voy a solucionar el problema éste. Solamente a los que pueden como ellos ya saben porque nosotros mismos no podemos solucionar esto. Tiene que haber alguna forma para que nosotros tengamos algo para comer. Yo no se hasta cuando puede atacar esta enfermedad. Pero parece que va a seguir mucho tiempo y todo lo que puede hacer para ayudar ellos tienen que hacer. Yo quiero tratar de evitar, tengo que hacer un gran esfuerzo para cuidarnos, para evitar ésto. La única cosa que nosotros preocupamos es que nosotros no tenemos nada, nada que comer, estamos sin* ***nada para comer. Y eso es más malo****«. (Mataco, San Luis)*

No se necesita ser experto en cólera para entender la razón del desplazamiento producido en las respuestas de la gente. ¿Qué posibilidades tienen-tenían- de practicar un control y cuidado de la propia salud? De la misma manera que el porcentaje de consultas médicas de control efectuadas por sectores de la clase media y media alta es más alto que el de los sectores populares, en relación con la epidemia de cólera en Santa Victoria Este, el grupo de criollos urbanos con nivel de vida más alto que el resto de la población parecía más proclive al cuidado personal. Las dos gotitas de lavandina como medida preventiva era relativamente fácil de implementar, aunque el agua distribuida por red ya viniera clorada. La desinfección de letrinas con un mínimo de atención también podía efectivizarse. Más aún sabiendo que el kerosene, o cal usado en estos casos está ahí nomás, al alcance de la mano. ¿Pero qué ocurre en las comunidades, distantes algunas de ellas hasta 40 y 60 km de Santa Victoria? Las cuales no sólo no poseen letrinas sino que ni siquiera poseen agua de pozo, siendo su principal proveedor el río Pilcomayo o las escasas aguadas que comparten con el ganado. En estas comunidades la esencia de sus preocupaciones radica en la implementación de una diversidad de estrategias que les permitan »campear« (paliar) su hambre y la miseria de su entorno físico.

No es casual entonces que la demanda

tanto de criollos pobres como de indígenas se dirija al gobierno a quien señalan como responsable de sus condiciones de vida.

»Y ese pensamiento que nosotros tenemos que vivimos en la suciedad. Nosotros muchas veces decimos nosotros no tenemos la culpa. Nosotros decimos la culpa la tienen ellos cuantas veces que vienen los políticos, ya te abrazan quieren que los apoyen, que sí que van a haber casillas, que quieren que lo apoyen los mataco. Pero la gente que habla en esas cosas ya no llevamos el apunte nosotros. Pero antes si, creímos que ellos nos iban ayudar por eso nosotros decimos que ellos tienen la culpa, presidente y gobernador y concejal no los acuerdan, cuando ellos se acomodan ya te dan la espalda y ni siquiera ayudan nosotros. Y así, que a los pobres no pueden mejorar las casas. Mirá ellos nos dan consejo que limpie las casas donde está el ranchito. Pero como no, y a veces nosotros igual tenemos que cumplir, pero como no hacemos la limpieza, todo el día sin comer nada, pero igual nosotros aguantamos, tranquilo, así nomás. A veces nosotros decimos si hay la enfermedad que le entra en el hueso y ello no sabe curar y así que nosotros nunca vivimos por la comida, a veces nos vamos al campo a campear, a 15 km donde uno va a campear para poder buscar las cosas y por hay le da gana de tomar la agua y por hay en el campo hay mucha agua, pero como hay mucho animales, vacuno, chancho y dentra a esa agüita y sabes lo que hay suciedad muy turbia, aparece todo como parásito, y que va hacer uno tiene que tomar agua, si no va a morir. Como esa agua tomamos nosotros y así no nos morimos todos. Sino que es la enfermedad que viene a castigar la persona humana. A veces nosotros no comemos 24 horas, a veces viene mala suerte y no trae nada y peor si uno tiene así muchos chicos, y entonces los chicos quedan llorando y así se acuestan sin probar nada. Y así a la mañana tiene que salir uno de nuevo a ver si le halla cualquier cosa depende de la suerte. Y así vivimos nosotros. Ves esta chica flaquita, desnutrida, es muy fiero la vida del pobre. Hay mucha gente que no conoce la vida del pobre y dice hay que trabajar chango hay que trabajar pero en que va a trabajar, si no hay trabajo. Ni siquiera el criollo ocupa la gente tiene mucha gente y no ocupa, ya no es como en aquel tiempo que el chaqueño se ocupa por lo menos 10 personas, pero ahora ya no hay nada. Y así vivimos nosotros. Aparte de eso la enfermedad conocemos la enfermedad pero uno no puede curar, pero gracias a Dios que no morimos ninguno.« (Mataco de Kanohis).

Unos pocos datos más ayudan a confirmar lo expresado. La falta de campañas de educación para la prevención estuvo ausente aún dentro del ámbito del Ministerio de Salud. Los equipos de médicos y enfermeros que cada 10 días eran enviados a la zona de epidemia para colaborar en las tareas de atención de pacientes, no recibían instrucción previa, en temas específicos y muchos de ellos ni siquiera sabían que en su propia provincia aún viven pueblos indígenas.

Asimismo, era muy pobre la información de que disponían otros agentes de la administración pública. Maestros, personal encargado de los albergues estudiantiles y aún

Cacique wichí Amaya.
Foto: Morita Carrasco.

los responsables del clorado del agua, parecían desconocer los peligros a que exponían a los alumnos y sus familias desatendiendo lo relativo a higiene de baños y cocinas.

El origen estructural de la pobreza

»Y bueno si termina (el cólera) mejor, mucho mejor, porque así nosotros estamos bien. Pero todos los tiempos nosotros no vivimos bien. La pobreza es lo más grave que tenemos. Siempre vivimos pobres. A mí me gustaría vivir bien, pero quisiera vivir como la gente, como vive la gente. La pobreza tiene que acabar, pero tiene que acabar. ¿Quién puede acabar la pobreza? Los antiguos ellos sí que vivían bien: comían frutos, cazaban animalitos, buscaban miel, comían pescado, ellos no conocían yerba ni azúcar. Pero ellos no conocían ni esta enfermedad.« (Mataco de Rancho El Ñato)

La colonia Buenaventura.
Tenencia de la tierra

Desde fines del siglo pasado el Chaco Austral había sido sacudido por las campañas militares que perseguían el fin de provocar violentamente la creación de »condiciones objetivas para la instauración de un modelo económico y social« cuyos resultados han sido nefastos para los pueblos aborígenes de la zona.

Hacia principios del presente siglo el territorio no sólo registraba esta presencia extraña sino también la de criollos ganaderos. El deterioro de los pastizales y las cargas impositivas por las campañas militares provocaron el desplazamiento de estos ganaderos desde el sur del río Bermejo (actual departamento Rivadavia Banda Sur de la provincia de Salta) hacia el río Pilcomayo. En 1902 un pionero Domingo Astrada solicita al gobierno de la nación Argentina permiso para establecer por cuenta propia una colonia ganadera en esas »tierras de indios« ricas en pasto.

El resultado de esta empresa fue exitoso para los ganaderos blancos. Las poblaciones de indios *wichí (mataco); iyoiwaia (chorote), niwacle (chulupí); komlek (toba)* que se sabían sitiados por los militares negociaron con los recién llegados una suerte de convivencia basada en el respeto que los criollos deberían tener hacia las tierras y control de aguadas de los primeros. Según Maranta los »aborígenes fueron amistosos como no podía ser de otra forma; los ablandamientos militares que no se dieron en el Pilcomayo, habían penetrado las zonas aún no ocupadas pero sitiadas. Ya los aborígenes tenían la certeza que los enfrentamientos bélicos no eran la forma de »seguir siendo«. Por eso Astrada y su gente fueron tratados con amabilidad y diplomacia« Pero aún sabiéndose perdedores los »antiguos« aborígenes no sabían todo lo que se negociaba al permitir que los criollos trajeran sus ganados y construyeran su rancho«.

Astrada solicitó permiso a los caciques de estos pueblos para acampar en la zona y levantar allí sus casas. Ello fue concedido con limitaciones. Cuenta el pionero que los indios se reservaron para sí las mejores tierras junto a las aguadas y les permitieron asentarse en los sitios menos favorables. Sobre la base de la preservación del control de su territorio, las relaciones entre indios y criollos fueron entonces de intercambio pacífico y trueques económicos.

Sin embargo la desigualdad de la relación ya estaba predefinida por el sistema jurídico político. Conocedores de sus derechos, una vez reconocida la colonia Buenaventura los

criollos, en tanto agentes civilizatorios, tramitaron ante la Nación Argentina el título de dominio de »estas tierras de indios«. El estado nacional les transfirió en forma gratuita parcelas de 625 has. Posteriormente al producirse la subdivisión territorial por jurisdicciones comenzaron los problemas de límites entre el gobierno nacional y la provincia de Salta, quedando sin efecto las transferencias efectuadas a los colonos por el gobierno nacional.

En varias oportunidades estos últimos manifestaron su rechazo a lo que consideran una medida incorrecta. Más fuerte ha sido sin embargo la protesta y el reclamo de las 28 comunidades indígenas para que se les devuelva el territorio apropiado a principios de siglo.

A partir de 1983 con la recuperación del orden constitucional en la República Argentina surgió en la sociedad civil una movilización en torno al restablecimiento de los derechos humanos. Entre ellos, el derecho a la posesión de la tierra se tornó una reivindicación innegociable en los ámbitos rurales y también en la periferia urbana. Asociando estos reclamos con objetivos políticos propios, la clase dirigente salteña propugnó un programa de »regularización de la situación jurídica en los territorios fiscales«. En virtud de este plan en 1986 se convirtió en ley un proyecto de parcelamiento del lote fiscal 55 en unidades de explotación ganadera, pese a las advertencias de organismos especializados de que la superficie total sólo alcanzaría a sustentar 42 de ellas.

La respuesta aborigen no se hizo esperar. Luego de algunas reuniones, los 28 caciques se organizaron para impedir la reglamentación de la ley. Si los criollos fundamentan sus pretensiones de dominio en el hecho de ser descendientes de los pioneros, ellos apelan al derecho aboriginal. Sus reclamos se basan en la histórica permanencia de sus miembros en la zona, en el despojo del que han sido víctimas y en las evidencias del condicionamiento que sufren por el deterioro ecológico que hace peligrar el desarrollo futuro de sus vidas: »...las comunidades aborígenes solicitan justicia, que las tierras regadas por la sangre de sus mayores, cuna de sus ancestros, les sea devuelta...«

En el reciente pedido (1991-92) presentado a las autoridades del gobierno salteño la asociación indígena Thaka Honat que reúne a los miembros de las 28 comunidades, reitera la urgente necesidad de que se frene la destrucción del medio ambiente y solicita una superficie uniforme, sin parcelamientos y en cantidad suficiente para permitirles garantizar la reproducción de sus sistemas socioculturales.

Es aventurado por el momento predecir cuál será la respuesta final que el gobierno de la provincia de Salta dará al reclamo formulado por Thaka Honat. Para sus miembros la lucha continúa.... ❑

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Pueblos Indígenas en Río

La Conferencia Mundial Indígena de Kari-Oca

Por: Teresa Aparicio

Más de cien naciones indígenas de los cinco continentes eligieron la Conferencia de las Naciones Unidas sobre Medio Ambiente y Desarrollo (CNUMAD), celebrada en junio de 1982 en Río de Janeiro, como marco propicio para celebrar sus propias reuniones y discutir su propia agenda, así como también participar en el proceso de la CNUMAD como pueblos y naciones indígenas.

Las Conferencias que reunieron a un mayor numero de representantes y líderes indígenas fueron: a) la Conferencia Mundial de Pueblos Indígenas sobre Territorio, Medio Ambiente, y Desarrollo, celebrada en la localidad de Kari-Oca, a unos 40 km. al norte de Río; b) Indio '92 – Conferencia de Pueblos Indígenas, que formó parte del calendario oficial del FORUM GLOBAL, la Conferencia Paralela no-gubernamental que las ONGs celebraron en el Parque Flamingo en Río; y, c) la Conferencia denominada Carta de la Tierra, celebrada asimismo en la ciudad de Río.

La participación indígena en la Conferencia Oficial de la ONU, que se celebró en RIO CENTRO, a unos 40 Km. al norte de Río, no fue lo numerosa que hubiera sido de desear. La mayoría de los representantes indígenas que participaron lo hicieron bien con pases especiales que la ONU había extendido a varias organizaciones indígenas, en especial a las que trabajan a nivel internacional, o bien bajo los auspicios de ONGs con estatus consultativo ante la ONU. Algunos representantes de ONGs de apoyo a la causa indígena que varios gobiernos habían incluido en sus delegaciones oficiales, apoyaron el trabajo de las organizaciones indígenas dentro de la Conferencia Oficial.

Mas, a la gran mayoría de representantes indígenas que había acudido a Río a participar de la »Cumbre de la Tierra« con la esperanza de que se les diera un lugar representativo en la CNUMAD como pueblos y naciones, no se les permitió ni siquiera la entrada a la sede de la Conferencia oficial. Esto, ocasionó una fuerte protesta por parte de muchos representantes indígenas, protesta que decidieron llevar personalmente hasta RIO CENTRO. Allí, los líderes y representantes de las naciones indígenas fueron recibidos por la policía de la ONU que con porras desenfundadas dieron muestras visibles de estar dispuestos a emplear toda la violencia necesaria para apartarlos del lugar.

De esta forma, innecesariamente, se añadió otro eslabón a la cadena de humillaciones y vejámenes con que los gobiernos han venido sometiendo a pueblos y naciones indígenas durante los cinco siglos de historia conjunta. Sólo que esta vez no fue el acto de un gobierno aislado contra una nación indígena sino, el de las fuerzas de orden de la institución que representa el mayor número de gobiernos, contra más de cien naciones indígenas que fueron a Río buscando un diálogo.

Reuniones Preparatorias

Hubo tres reuniones preparatorias de ONGs que se celebraron bajo los auspicios de las Naciones Unidas en las sedes de Kenya (1990), en Ginebra (1990 y 1991) y en Nueva York (1992). Maximando esfuerzos físicos, económicos y organizativos, representantes de más de 25 organizaciones indígenas de todo el mundo participaron.

De forma paralela, organizaciones indígenas de diferentes regiones celebraron sus propias reuniones para debatir su propia agenda así como los temas incluidos en la CNUMAD. Por ejemplo, la Alianza Mundial de Pueblos Indígenas-Tribales de los Bosques Tropicales que celebraron su primera Conferencia (1) (oficial) en Penang, Malasia, en febrero de 1992, donde debatieron problemas comunes y trazaron estrategias conjuntas. La Conferencia aprobó una Declaración (2) que consta de 47 puntos y recoge los principios, objetivos y demandas de la Alianza.

Esas reuniones formaron una plataforma de trabajo sumamente valiosa que facilitó la cooperación entre las naciones indígenas presentes en Río. Sin embargo, para la mayoría de sus representantes, Río no representó la culminación de un proceso, sino la expresión de una unión formada por el aporte ideológico y espiritual de muchas y diferentes naciones indígenas, con profundas raíces en común, que han logrado coordinar

esfuerzos en un proceso de identificación mutua.

Esta unidad de pensamiento indígena está reflejada en la Declaración de Kari-Oca (3) donde, de una forma sencilla y poética, los pueblos indígenas reconocen las huellas que sus antepasados dejaron grabadas en sus tierras y declaran su voluntad de caminar hacia el futuro sobre esas mismas huellas.

Kari-Oca

La Conferencia Mundial de Pueblos Indígenas sobre Territorio, Medio Ambiente y Desarrollo, fue celebrada entre el 25 y 30 de mayo en la aldea indígena Kari-Oca. Esta aldea formada por dos amplias malocas (casas comunales) de estilo xinguano, varias malocas menores y un gran espacio cubierto para todas las actividades, fue construida específicamente para la Conferencia, por indios de la región del Xingú, al noroeste de Brasil. El ayuntamiento de Río de Janeiro donó más tarde el lugar a las organizaciones indígenas brasileñas, así como una pequeña ayuda para su manutención.

En Kari-Oca se reunieron mas de 650 personas indígenas, en representación de 92 organizaciones (4), con culturas y lenguas bien diversas. Provenían de los rincones más apartados de la tierra, desde las tundras heladas del Artico hasta los trópicos húmedos de la Amazonía, pasando por las regiones áridas de los desiertos del hemisferio norte y las sabanas de Africa.

La Conferencia fue financiada por diversas fuentes, en especial por el gobierno de Brasil y el gobierno de Holanda; las Naciones Unidas dieron una importante ayuda logística para la coordinación de la Conferencia. Sin embargo, los fondos recibidos no fueron suficientes para todas las actividades programadas. Por la misma razón, la gran mayoría de los participantes de Kari-Oca no pudieron permanecer en Río para asistir a la CNUMAD y continuar el proceso comenzado en Kari-Oca; así, delegados indígenas de Canadá, Filipinas, Chittagong Hill Tracts de Bangladesh, Malasia, Siberia, Kenya, Papua Occidental, Australia y Centro y Sud América, entre otros, tuvieron que regresar a sus países justo antes del comienzo de la Conferencia Oficial en Río.

Tres organizaciones indígenas aunaron sus esfuerzos para hacer posible la Conferencia: La Coordinadora de Organizaciones Indígenas de la Cuenca Amazónica (COICA) con sede en Perú; el Comité Intertribal – 500 años de Resistencia, Brasil y el centro Mocoví, Argentina.

Desde el primer día de la Conferencia en Kari-Oca reinó un ambiente de actividad, camaradería, buen humor, y curiosidad mutua que salvó todas las barreras lingüísticas, culturales, ambientales y de falta de material de recursos. Uno de los mayores vehículos de entendimiento fueron las ceremonias culturales, religiosas y shamanísticas que las diferentes naciones indígenas representaban a diario. Pueblos indígenas de Centro y Sudamérica se deleitaron con las baladas de un cantor popular Saami y con la danza del Sol de un representante Apache, mientras que el trance de un shamán Yanomami era reconocido como gran fuerza espiritual por los representantes indígenas de Siberia y de Malasia. Por las mañanas, al clarear el día, el éxito del trabajo diario que frecuentemente se extendía hasta altas horas de la madrugada, era invocado por un líder espiritual indígena mediante una ceremonia que esparcía humo sagrado a los cuatro puntos cardinales de la tierra.

El objetivo principal en Kari-Oca era elaborar una Carta de la Tierra Indígena conjunta para ser distribuida a todos los Pueblos y Naciones Indígenas del mundo, así como también para presentarla ante la CNUMAD y ante el Grupo de Trabajo sobre las Poblaciones Indígenas de la ONU (Ginebra), actualmente en proceso de elaborar una Declaración de Derechos Indígenas (5).

Debido a la falta de recursos que impidió la contratación continua de servicios de traducción, se decidió trabajar en tres grupos lingüísticos: a) todos los representantes indígenas de Brasil, b) los de habla hispana, y c) los de habla inglesa. El trabajo de los diferentes grupos era presentado diariamente ante la Asamblea General para su debate. La agenda para la Carta de la Tierra contenía cinco partes, 1) Derechos Humanos y Ley Internacional, 2) Tierras y Territorios, 3) Biodiversidad y Conservación, 4) Estrategias de Desarrollo, 5) Cultura, Ciencia y Propiedad Intelectual.

Carta de la Tierra Indígena

La Carta de la Tierra que fue adoptada en Kari-Oca contiene un total de 109 puntos que recogen las conclusiones de la Conferencia y las demandas de los Pueblos Indígenas. La carta va precedida de una introducción y un preámbulo seguidos ambos de la Declaración de Kari-Oca, al final del documento se incluyen las varias Resoluciones que se pasaron durante la Conferencia y los Planes de Acción para 1992-1993.

La Carta de la Tierra Indígena contiene demandas específicas ambientales como el cese de cualquier uso de material nuclear (punto 47) y que las tierras indígenas no deben ser usadas para pruebas nucleares ni lugar para desechos nucleares (49). Entre las recomendaciones, se habla de que los Pueblos Indígenas deben orientar a grupos ambientalistas quienes, en muchos casos, están más interesados con insectos que con seres humanos (40).

Sobre Biodiversidad y Conservación, los Pueblos Indígenas rechazan el ser incluidos en un sistema de biodiversidad inerte que pretende ser mantenida sólo con propósitos científicos y folclóricos (59). Las concesiones madereras, así como incentivos para la tala de bosques, la producción de ganado y la industria minera que afectan de forma negativa los ecosistemas y los recursos naturales, deben ser totalmente canceladas (58).

Sobre derechos Humanos y Ley Internacional, los puntos 6 y 36 declaran que el concepto de TERRA NULLIUS (territorio vacío) debe ser eliminado de los libros legales y de su uso en la ley internacional. En el apartado sobre Tierras y Territorios, los Pueblos Indígenas afirman una vez más su inalienable derecho a sus tierras y a sus territorios, y a todos los recursos naturales en ellos contenidos (33). Los Pueblos Indígenas no deben ni pueden ser separados de sus territorios (41).

El punto 69 bajo el tema de Desarrollo subraya que los proyectos de desarrollo deben estar basados sobre los principios de autodeterminación y autoadministración para que los Pueblos Indígenas puedan asumir el control, el manejo y la administración de sus recursos. Asimismo, los pueblos indígenas afectados deben consentir a cualquier programa de desarrollo en sus territorios antes de su implementación así como deben obtener a priori toda la información necesaria sobre los proyectos y sus efectos (70); falla en respetar estas demandas, continua el mismo punto, se considerará un crimen contra los pueblos indígenas. La usurpación de medicinas y conocimientos tradicionales es también considerado como un crimen (99).

Como creadores y transmisores de civilización los pueblos indígenas demandan que su derecho a la propiedad intelectual y cultural sea garantizado y respetado, incluyendo el derecho a sus recursos genéticos, bancos genéticos, biotecnología y conocimiento de programas de biodiversidad (102). En el punto 109 se recomienda que las Naciones Unidas promuevan la investigación del conocimiento indígena y una red de ciencias indígenas.

A lo largo de toda la Carta de la Tierra los pueblos indígenas mantienen sus derechos: el derecho a sus formas de vida tradicional y

espiritual (16,17); a sus sistemas de educación y a sus idiomas (93,90); a su sabiduría tradicional, conocimiento de plantas, hierbas y medicinas tradicionales y al conocimiento tradicional de los curanderos indígenas (95,96,26); a sus derechos colectivos (1,2); el derecho inalienable a sus territorios y recursos naturales (32) incluyendo espacio, tierra y mar (34); a sus sitios sagrados y ceremoniales que deben ser protegidos (89); al libre transporte en sus territorios divididos por límites políticos impuestos por los estados dominantes (11); a sus gobiernos y sistemas legales que deben ser reconocidos (13); a su autodeterminación que debe ser reconocida (14); y demandan su derecho a la vida (1).

Río Centro

A pesar de que el número de líderes y representantes indígenas con acreditación en la CNUMAD era mínimo, se celebraron múltiples actos en apoyo a la causa indígena dentro de RIO CENTRO. Conferencias de Prensa, charlas y manifestaciones de apoyo promovidas por celebridades internacionales como Jean Jacques Cousteau, ayudaron a atraer la atención de políticos y representantes gubernamentales hacia la situación indígena.

De forma paralela en el FORUM GLOBAL personalidades políticas y religiosas mundialmente conocidas como Su Santidad el Dalai Lama de Tibet, miembros del Congreso de Estados Unidos y varios Senadores europeos, se reunieron con líderes indígenas y escucharon su agenda para un futuro en común.

El grupo coordinador de la Conferencia de Kari-Oca, convocó varias Conferencias de Prensa dentro de Río Centro. Una de las más atendidas fue celebrada en uno de los locales oficiales de la CNUMAD gracias a la ayuda de representantes de ONGs incluidos en las delegaciones oficiales de Bélgica y Holanda.

La Conferencia fue precedida por líderes y representantes indígenas que habían participado en Kari-Oca. **Evaristo Nugkuag Ikanan**, Presidente de la Coordinadora de Organizaciones Indígenas de la Cuenca Amazónica (COICA) y miembro del Comité Organizador de la Conferencia de Kari-Oca, abrió oficialmente la rueda de prensa y dio una introducción general a la problemática indígena mundial y a las demandas generales de los pueblos indígenas.

Karen Snowshoe, de la nación Awichin de Canadá, habló sobre derechos humanos y colectivos; **Valerio Grefa**, de la Confederación de Nacionalidades Indígenas de la Amazonía Ecuatoriana (CONFENIAE) trató sobre propiedad territorial y el concepto de territorialidad indígena. **Victoria Korpus**, representante de la Alianza de los Pueblos Indígenas de la Cordillera de Filipinas, habló sobre el punto de vista indígena sobre Biodiversidad y Conservación de bosques y recursos.

Otro de los temas importantes de la Conferencia, estrategias de Desarrollo indígena ante un desarrollo no indígena depredatorio y nocivo impuesto en regiones indígenas, fue presentado por **Aslak Nils Sara**, del Consejo Nórdico Saami de Saamiland. Los temas de Ciencia y Propiedad Intelectual fueron presentados por **Atencio López**, de la organización Kunas Unidos por Nabguana-KUNA, de Panamá.

El mensaje final de la rueda de prensa fue dado por los representantes de las otras dos organizaciones miembros del Comité Organizador de la Conferencia de Kari-Oca, **Marcos Terena**, del Comité Intertribal -500 Años de resistencia de Brasil, y **Ariel Araújo** del Centro Mocoví de Argentina.

Toda la documentación elaborada en Kari-Oca, incluyendo la Carta de la Tierra Indígena, la Declaración, los Planes de Acción para 1992-93 y las resoluciones pasadas durante la Conferencia, fueron presentados oficialmente al final de la rueda de Prensa como resultado de la Reunión Mundial de Pueblos Indígenas.

Demandas Indígenas ante la CNUMAD

Uno de los tratados más esperados durante la Conferencia fue el que trataba sobre Biodiversidad y Conservación firmado tanto por gobiernos de países industriales como por países en vías de desarrollo. Inmediatamente después de la ratificación y firma oficial del Tratado, todos los pueblos indígenas presentes en Río, así como ONGs de apoyo y organizaciones de medio ambiente, lo calificaron de »bio-imperialismo« ya que no tomaba en cuenta los derechos de los pueblos indígenas a sus propios recursos ni tampoco respetaba el conocimiento indígena sobre esos recursos.

Las demandas indígenas presentadas ante la CNUMAD y ante las reuniones preparatorias fueron unánimes en este aspecto, básicamente esas demandas, en sus varias versiones, pedían: »Respeto a nuestros derechos a la propiedad intelectual y cultural colectiva de nuestros Pueblos, a los recursos genéticos, bancos de germoplasma, biotecnología y conocimientos en los programas sobre biodiversidad; lo que incluye nuestra participación a nivel directivo en cualquier proyecto al respecto en nuestros territorios, así como al control de los beneficios que de ellos se deriven » (6)

De forma específica para la Agenda 21, (documento A/CONF, 151/4, Parte III), el grupo de Pueblos indígenas que habían participado de la Conferencia en Kari-Oca pidieron, por escrito, que sus derechos a la propiedad territorial y a sus derechos colectivos fueran reconocidos. De forma similar, en la Declaración de Bosques, (documento A/CONF.151/6), en pág. 6, punto 8 inciso g, que trata sobre la disponibilidad de los recursos biológicos, incluido el material genético, pidieron que los derechos soberanos de los pueblos indígenas fueran reconocidos a la par que los derechos de los países donde los recursos se encuentran. En el mismo documento (pág. 8 punto 13, incisos b y d) que trata sobre capacidad institucional, se pidió que también fuera reconocida el de las organizaciones indígenas tanto a nivel directivo como de implementación. Por último, se pidió también garantizar la participación indígena en la evaluación del cumplimiento de la Agenda 21 de la CNUMAD, en especial en conexión a la Convención sobre los Tratados de Bosques y sobre Biodiversidad.

Ninguna de estas demandas fueron aceptadas. El Tratado sobre Biodiversidad, por ejemplo, solamente reconoce los derechos de los países donde los recursos se encuentran y los derechos de los países que disponen de los sistemas de producción y comercialización para la utilización de esos recursos. El Tratado no reconoce ni respeta la propiedad intelectual y los derechos indígenas a sus propios recursos genéticos.

El Tratado sobre biodiversidad no es pues otra cosa sino una alianza económica entre países del Norte y del Sur a través del cual esos últimos se han asegurado unos derechos económicos vis-a-vis los países de producción, cuya rentabilidad y equitatividad todavía están por verse. Si bien los países del Sur han logrado que sus derechos de origen de los recursos genéticos hayan sido reconocidos, no han sabido defender sus propios intereses domésticos, que por lo menos a nivel político y moral deberían estar junto a los de los pueblos indígenas que viven dentro de sus fronteras – y que lo han hecho desde mucho antes de que esas fronteras tuvieran nombre.

Los actores principales en la utilización de los países industrializados de recursos genéticos localizados en áreas indígenas son, sin lugar a dudas, los mismos pueblos indígenas. y se debe subrayar que es gracias al conocimiento de estos últimos sobre las pro-

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piedades medicinales y farmacológicas de sus plantas, que las industrias medicinales internacionales han logrado producir medicinas de gran beneficio para la humanidad. También es bueno recordar aquí que el porcentaje de plantas utilizadas para fines medicinales de, por ejemplo, la bacía amazónica es mínimo, entre 1½ y 2%. Se desconoce por tanto, en casi su totalidad, el potencial farmacológico de bancos y recursos genéticos de la Amazonía.

En un último análisis, tanto los países industrializados como los del Sur van a necesitar de la colaboración y conocimiento de los pueblos indígenas para desarrollar con fines medicinales el potencial genético de los bosques tropicales. La cuestión es, en que forma eso va a llevarse a cabo.

Desde un punto de vista ético, y que quizás evite serios problemas en el futuro, lo que debería hacerse de inmediato es enmendar el Tratado sobre Biodiversidad e incluir los derechos de los pueblos indígenas a la propiedad intelectual y a los beneficios resultantes de cualquier manipulación de sus recursos genéticos, de acuerdo a los deseos específicos de cada nación indígena.

Mensaje de Kari-Oca ante la CNUMAD

Uno de los resultados positivos que surgió de la coordinación y trabajo en Kari-Oca fue, lograr que la CNUMAD cediera un espacio en la Asamblea General en Río Centro, para que un representante de la Conferencia de Kari-Oca presentara el mensaje de todos los pueblos indígenas ante los gobiernos del mundo. Marcos Terena, líder indígena brasileño, fue elegido unánimemente para llevar ese mensaje. La exposición del líder Terena fue extensa y una de las que recibió mayor ovaciones, algunas de las partes que mayor impacto tuvieron entre los gobiernos presentes en la Asamblea fueron las siguientes;

»Ante todo, afirmamos que somos pueblos indígenas con derechos inalienables a la autodeterminación y a nuestros territorios ancestrales. A menos que esos derechos sean reconocidos y respetados por los gobiernos bajo las Naciones Unidas, cualquier charla sobre protección del medio ambiente y desarrollo sostenible sólo va ser retórica.

Creemos que una razón por la que la degradación del medio ambiente y la pobreza continúan empeorando, es porque los gobiernos no dan participación a los verdaderos custodios de la naturaleza, los pueblos indígenas, en los procesos de toma de decisiones.

Existe una creciente militarización y nuclearización en nuestros territorios que resulta en el genocidio y etnocidio de los Pueblos Indígenas. De igual forma, las pruebas atómicas y depósitos de desechos tóxicos en tierras indígenas todavía continúan. Nos están matando. A menos que esas operaciones militares y la nuclearización de nuestros territorios pare, no nos va a ser posible caminar junto al resto del mundo en el siglo 21.

Los modelos de desarrollo que Uds. han impuesto a los pueblos indígenas no nos han traído ningún beneficio. Al contrario. Hasta ahora, sus modelos de desarrollo han destruido nuestros bosques, envenenado nuestros ríos y nuestro aire, contaminado nuestros suelos y subsuelos, y robado la rica biodiversidad que hemos mantenido durante generaciones. Ahora Uds. se han dado cuenta de que ese tipo de desarrollo no puede continuar pero todavía no se han dado cuenta de que nos necesitan.

Uds. hablan de preservar la flora y la fauna, sobre la capa de ozono, sobre los bosques. Uds. hablan sobre cambiar modelos de producción y consumo no sostenibles pero lo que Uds. necesitan comprender es que Uds. deben contemplar todos esos temas como un todo. Los pueblos indígenas siempre han contemplado el mundo de una forma holística. Nosotros no separamos los bosques, los ríos, el suelo, los animales e insectos de nosotros mismos.

Es ese conocimiento y esa práctica de siglos lo que es el verdadero desarrollo sostenible. Nosotros hemos sostenido nuestros mundos durante miles de años y guardado la integridad de los ecosistemas y la biodiversidad. ¿No es eso lo que Uds. están buscando?«

Por último, el líder Terena ofreció a las naciones del mundo la cooperación de los pueblos indígenas para poner fin al ecocidio que esta emponzoñando y destruyendo la Tierra y propuso unir fuerzas y conocimientos para salvaguardarla y asegurar la vida en ella de las generaciones venideras.

Notas

1) Está previsto que la Segunda Conferencia de la Alianza Mundial de los Pueblos Indígenas-Tribales de los Bosques Tropicales se celebre en 1993 en la Amazonía.
2) La Declaración de la Alianza Mundial de los Pueblos Indígenas de los Bosques Tropicales, adoptada en Penang en febrero de 1992, ha sido publicada en »Voz Indígena«, el Boletín de la Asociación Interétnica de Desarrollo de la Selva Peruana (AIDESEP), con sede en Lima (Perú).
3) La Declaración de Kari-Oca se reproduce al final de este artículo.
4) Una lista con los nombres de las organizaciones y observadores internacionales que participaron de la Conferencia puede encontrarse en las páginas finales de la Declaración de Kari-Oca adjunta.
5) El proceso de elaboración de la Declaración de Derechos Indígenas en el seno de las Naciones Unidas en Ginebra, comenzó en 1982. Se espera que sea completada en 1993-94 para posteriormente presentarla ante la Asamblea General de la ONU en Nueva York para su ratificación oficial
6) Punto 40 contenido en el apartado sobre Biodiversidad y Conservación de la Alianza Mundial de los Pueblos Indígenas-Tribales sobre Bosques Tropicales. ❑

Declaración de Kari-Oca y Carta de la tierra de los Pueblos Indígenas (25-30 mayo de 1992)

Preámbulo
Conferencia Mundial de los Pueblos Indígenas sobre Territorio, Ambiente y Desarrollo (mayo 25-30, 1992).

Los pueblos Indígenas de las Américas, Asia, Africa, Australia, Europa y el Pacífico, unidos en una sola voz en el pueblo de Kari-Oca expresan nuestra gratitud colectiva a los pueblos indígenas de Brasil.

Inspirados en esta reunión histórica, celebramos la unidad espiritual de los pueblos indígenas con la tierra y con nosotros mismos.

Continuamos construyendo y formulando nuestro compromiso mutuo en la salvación de nuestra madre tierra.

Nosotros, los pueblos indígenas, endosamos la siguiente declaración como responsabilidad colectiva en la prolongación de nuestro pensamiento y voz indígena para el futuro.

Declaración de Kari-Oca

Nosotros, los pueblos indígenas, caminamos hacia el futuro en las huellas de nuestros antepasados.

Del más grande al más pequeño ser viviente, de los cuatro puntos cardinales, del aire, la tierra y las montañas, el Creador nos ha puesto a nosotros, los pueblos indígenas, sobre la faz de la madre tierra.

Las huellas de nuestros antepasados están permanentemente marcadas sobre la tierra de nuestros pueblos.

Nosotros, los pueblos indígenas, sostenemos nuestro derecho inherente a la libre determinación. Siempre hemos tenido el derecho a decidir nuestros propios tipos de gobierno, a determinar la utilidad de nuestras propias leyes, a criar y educar nuestros niños, a nuestra propia identidad cultural sin interferencia alguna.

Continuamos sosteniendo nuestros derechos como pueblo a pesar de los siglos de privación, asimilación y genocidio.

Mantenemos nuestro derecho inalienable a nuestras tierras y territorios, a todos los recursos, suelo y subsuelo, y a nuestras aguas. Afirmamos nuestra continua responsabilidad de pasar estas cosas a nuestras futuras generaciones.

No podemos ser sacados de nuestras tierras. Nosotros, los pueblos indígenas, estamos conectados por el ciclo de la vida a nuestras tierras y nuestro ambiente.

Nosotros, los pueblos indígenas, caminamos hacia el futuro en las huellas de nuestros antepasados

Firmado en Kari-Oca, Brasil el 30 de mayo de 1992.

Carta de la Tierra de los Pueblos Indígenas

Derechos Humanos y la Ley Internacional

1. La ley internacional debe tratar los derechos colectivos de los pueblos indígenas.
2. Hay muchos instrumentos internacionales que tratan los derechos individuales pero no existen declaraciones que reconozcan derechos humanos colectivos. Por lo tanto, urgimos a los gobiernos que apoyen la declaración universal sobre los derechos de los pueblos indígenas del Grupo de Trabajo de las Naciones Unidas sobre Poblaciones Indígenas que se encuentra presentemente en forma de proyecto.
3. Demandamos el derecho a la vida.
4. La convención en contra de genocidio debe ser cambiada para que incluya el genocidio en contra de los pueblos indígenas. Existen muchos ejemplos de genocidio en contra de los pueblos indígenas.
5. Las Naciones Unidas debe enviar representantes de los pueblos indígenas, en su capacidad para mantener la paz, a territorios indígenas donde surgen conflictos, para ayudar en la prevención de conflictos. Esto se debe hacer con el permiso y el consentimiento de los grupos indígenas envueltos.
6. El uso del concepto »Terra Nullius« debe de ser eliminado del plano internacional legal. Muchos gobiernos estatales han usado leyes domésticas internas para denegarnos el derecho a ser los verdaderos dueños de nuestras tierras. Estos actos ilegales deben ser condenados por el mundo.
7. Hubo muchas discusiones con relación a los supuestos países democráticos que le han denegado a los pueblos indígenas el derecho a que su futuro cuente con el consentimiento indígena, dado el pequeño número de grupos indígenas residiendo dentro los límites geográficos de dichos estados. Los gobiernos estatales han usado la noción de »la mayoría« para decidir el futuro de los pueblos indígenas. Los pueblos indígenas deben mantener el derecho a consentir sobre los proyectos que se llevan a cabo en sus áreas.
8. Debemos promover el término »Pueblos Indígenas« en todo foro. El uso del término »Pueblos Indígenas« debe existir sin calificativo alguno.
9. Urgimos a los gobiernos a ratificar la Convención 160 de la Organización Internacional del Trabajo (OIT) para garantizar un instrumento internacional legal para los pueblos indígenas. (Nota: el grupo 2 solamente)
10. Los pueblos indígenas no están reconocidos como si tuvieran distintos y separados derechos dentro de sus propios territorios.
11. Afirmamos nuestro derecho al libre transporte a través de los límites políti-

cos impuestos por el estado, que dividen nuestros territorios tradicionales. Un mecanismo adecuado debe ser establecido para asegurar este derecho.

12. Los sistemas coloniales han tratado de dominar y asimilar a nuestras gentes. Sin embargo, nuestras gentes se han mantenido como grupos distintos a pesar de la presión.
13. Nuestros gobiernos indígenas y sistemas legales deben ser reconocidos por las Naciones Unidas.
14. Nuestro derecho a la libre-determinación debe ser reconocido.
15. Nosotros debemos estar libres de cualquier tipo de transferencia poblacional.
16. Nosotros mantenemos nuestro derecho a expresar nuestras formas tradicionales de vida.
17. Nosotros mantenemos nuestro derecho a expresar nuestras formas espirituales de vida.
18. Nosotros mantenemos el derecho a estar libres de presiones por parte de corporaciones multinacionales (transnacionales) que interfieren con nuestras vidas y nuestra tierra. Todas las corporaciones multinacionales (transnacionales) que usurpan en nuestras tierras indígenas deben ser reportadas a la Oficina de Asuntos Transnacionales de las Naciones Unidas.
19. Nosotros debemos estar libres de cualquier forma de racismo.
20. Nosotros mantenemos el derecho a decidir la dirección de nuestras comunidades.
21. Las Naciones Unidas debe tener un procedimiento especial para tratar asuntos que surgen a consecuencia de violaciones de tratados indígenas.
22. Tratados firmados entre pueblos indígenas y pueblos no-indígenas deben de ser aceptados como tratados en el plano del derecho internacional.
23. Las Naciones Unidas debe ejercitar el derecho a imponer sanciones en contra de gobiernos que violan los derechos de los pueblos indígenas.
24. Urgimos a las Naciones Unidas a que incluya asuntos sobre pueblos indígenas en la agenda de la Conferencia Mundial de Derechos Humanos que se llevará acabo en 1993. El trabajo hasta ahora hecho por la Comisión Interamericana de Derechos Humanos de las Naciones Unidas y el Instituto Inter-Americano de Derechos Humanos deben ser tomados en consideración.
25. Los pueblos indígenas deben tener el derecho a un conocimiento, idioma y a una educación cultural apropiada, incluyendo una educación bicultural y bilingüe. A través del reconocimiento de formas formales e informales, la participación de la familia y la comunidad se garantiza.
26. Nuestro derecho a la salud debe incluir el reconocimiento y el respeto al conocimiento tradicional de curanderos indígenas. Este conocimiento, incluyendo medicinas tradicionales y el poder de curación preventivo y espiritual deben ser reconocidos y protegidos en contra de la explotación.
27. La Corte Mundial debe extender sus poderes hasta incluir quejas hechas por los pueblos indígenas.
28. Debe haber un sistema de monitoreo que surja de esta conferencia, para observar el retorno de delegados a sus territorios. Los delegados tienen la libertad de atender y participar en conferencias internacionales indígenas.
29. Los derechos de la mujeres indígenas deben ser respetados. Estos derechos deben ser incluidos en todas las organizaciones de carácter local, nacional, regional e internacional.
30. Los arriba mencionados derechos históricos de los pueblos indígenas deben ser garantizados por legislación nacional.

Tierra y Territorios

31. Los pueblos indígenas fueron puestos sobre la faz de la tierra, nuestra madre, por el Creador. Nosotros pertenecemos a la tierra. No podemos ser separados de nuestras tierras y nuestros territorios.
32. Nuestros territorios son totalidades vivientes en relación permanentemente vital con nuestra cultura. Nuestra propiedad territorial debe ser inalienable, incesante y sin denegación de título. Apoyo legal-económico y técnico es necesario para garantizar esto.
33. El derecho inalienable de los pueblos indígenas a la propiedad y los recursos, confirma que hemos sido los dueños y administradores de nuestros territorios tradicionales. Demandamos que esto se respete.
34. Afirmamos nuestros derechos a demarcar nuestros territorios tradicionales. La definición de territorio incluye espacio (aire), tierra y mar. Debemos promover un análisis tradicional sobre derechos tradicionales de propiedad en todos nuestros territorios.
35. Donde los territorios indígenas han sido degradados, deben hacerse disponibles recursos para su restauración. La recuperación de estos territorios afectados es la obligación de estados nacionales que no pueden demorar. Dentro de este proceso de recuperación, la compensación por la deuda ecológica debe ser tomada en consideración. Estados nacionales deben revisar con detenimiento las políticas agrarias, mineras y forestales.
36. Los pueblos indígenas negamos el sostenimiento de las leyes no-indígenas en nuestros territorios. Los estados no pueden unilateralmente extender su jurisdicción sobre nuestras tierras y territorios. El concepto de »Terra Nullius« debe ser borrado para siempre de los libros de leyes de los estados.
37. Nosotros, como pueblos indígenas, no debemos alienar nuestros territorios. Siempre debemos mantener control sobre la tierra para futuras generaciones.
38. Si un gobierno no-indígena, individual o corporativo quiere usar nuestras tierras, tiene entonces que haber un acuerdo formal que dicte los términos y las condiciones. Los pueblos indígenas mantienen el derecho a ser recompensados por el uso de sus tierras y sus recursos.
39. Los límites tradicionales de los territorios, incluyendo las aguas, deben de ser respetados.
40. Debe haber algún control sobre grupos ambientalistas que ejercen presión para proteger nuestros territorios y las especies dentro de estos territorios. En muchas circunstancias, los grupos ambientalistas están más preocupados por el estatus de seres humanos. Llamamos a los pueblos indígenas a determinar las guías a utilizarse antes de permitirle a grupos ambientalistas entrar a sus territorios.
41. No se debe crear parques a cuenta de los pueblos indígenas. No hay manera de separar los pueblos indígenas de sus territorios.
42. Los pueblos indígenas no deben ser removidos de sus tierras para facilitar el establecimiento de asentadores (colonos) u otras formas de actividad económica en sus tierras.
43. En muchas circunstancias, el número de pueblos indígenas ha disminuido a causa de la usurpación cometida por grupos no-indígenas.
44. Los pueblos indígenas deben incitar a su gente a cultivar sus productos tradicionales en vez de utilizar productos exóticos de importación que no benefician a las gentes.
45. Desperdicios tóxicos no deben ser depositados en nuestras áreas. Los pueblos

indígenas deben entender que químicos, pesticidas y desperdicios peligrosos no benefician a sus gentes.

46. Areas tradicionales deben ser protegidas en contra de formas futuras de degradación ambiental.
47. Se tiene que parar el uso de materiales nucleares.
48. Tiene que detenerse la minería de productos para la producción nuclear.
49. Las tierras indígenas no pueden utilizarse para pruebas o como centros de desperdicios de materiales nucleares.
50. Las políticas de transferencia poblacional por gobiernos estatales en nuestros territorios están causando problemas. Los terrenos tradicionales están perdidos y las maneras de vida tradicional se están destruyendo.
51. Nuestras tierras están siendo utilizadas por gobiernos estatales para obtener fondos del Banco Mundial, el Fondo Monetario Internacional, el Banco de Desarrollo Asiático-Pacífico y otras instituciones que han llevado a la pérdida de nuestras tierras y territorios.
52. En muchos países nuestras tierras están siendo utilizadas para propósitos militares. Este es un uso inaceptable de nuestras tierras.
53. Los gobiernos colonizadores han cambiado los nombres de nuestras áreas tradicionales y sagradas. Nuestros niños han aprendido estos nombres y han comenzado a perder su identidad. Además, el cambiar el nombre de un lugar minimiza el respeto a los espíritus que habitan en esos lugares.
54. Nuestros bosques no son utilizados para los fines que fueron creados. Los bosques se utilizan para ganar dinero.
55. Actividades tradicionales, tales como la alfarería, están siendo destruidas por la importación de productos industriales. Esto empobrece a la gente.

Bio-diversidad y Conservación

56. Los círculos vitales están en interrelación continua de tal modo que el cambio de un elemento afecta el todo.
57. Los pueblos indígenas y la humanidad están siendo afectados por los cambios climatológicos que cambian los ritmos naturales, afectan la producción agrícola y deterioran nuestra calidad de vida y aumentan nuestra dependencia.
58. Los bosques están siendo destruidos con el propósito de crear actividades que no benefician a los seres humanos, animales, pájaros y peces. Estas actividades sólo buscan beneficios económicos sin que les afecte la destrucción del balance ecológico.

    Las concesiones madereras y los incentivos para la madera, ganado y la industria minera que afectan los ecosistemas y los recursos naturales deben ser cancelados.
59. Valorizamos los esfuerzos de protección de la bio-diversidad pero rechazamos el que seamos incluidos en una diversidad inerte que pretenda ser mantenida para propósitos científicos y folclóricos.
60. Las estrategias de los pueblos indígenas deben mantenerse en un marco de referencia para la formulación y la aplicación de políticas nacionales con relación al ambiente y a la bio-diversidad.

Estrategias de Desarrollo.

61. Los pueblos indígenas deben consentir a todos los proyectos en sus territorios. Antes de dar su consentimiento, los pueblos deben estar plena y completamente involucrados en las decisiones. Deben obtener toda la información sobre el proyecto y sus efectos. Si se falla en hacer eso se considerará un crimen contra los pueblos indígenas. La persona o personas que violen esto deben ser juzgados en un tribunal mundial dentro del control de los pueblos indígenas y establecido para dicho propósito. Esto podría asemejarse a los tribunales sostenidos después de la segunda guerra mundial.
62. Tenemos el derecho a tener nuestras propias estrategias de desarrollo basadas en nuestras prácticas culturales y con una administración transparente, eficientemente y viable y con posibilidad económica y ecológica.
63. Nuestras estrategias de desarrollo y vida son obstruidas por los intereses de los gobiernos y las grandes compañías y por las políticas neoliberales. Nuestras estrategias tienen, como condición fundamental, la existencia de una relación internacional basada en la justicia, equidad y solidaridad entre los seres humanos y las naciones.
64. Cualquier estrategia de desarrollo debe priorizar la eliminación de la pobreza, la garantía del clima, la administración sostenible de los recursos naturales, la continuidad de las sociedades democráticas y el respeto de las diferencias culturales.
65. La »Global Environment Facility« debe asignar al menos 20% para las estrategias y programas de los pueblos indígenas para la emergencia ambiental, el mejoramiento de la calidad de vida, la protección de los recursos naturales y la rehabilitación del ecosistema. Esta propuesta en el caso de Sur América y el Caribe debe ser concreta para que el fondo para el desarrollo indígena sea una experiencia piloto para ser trasmitida a los pueblos indígenas de otras regiones y continentes.
66. El concepto del desarrollo ha significado la destrucción de nuestras tierras. Rechazamos la actual definición del desarrollo como algo útil a nuestros pueblos. Nuestras culturas no son estáticas y mantenemos nuestra identidad por medio de la permanente recreación de nuestras condiciones de vida. Pero todo esto es obstruido a nombre del denominado desarrollo.
67. Reconociendo la relación armoniosa de los pueblos indígenas con la naturaleza, los modelos de desarrollo sostenible indígenas, las estrategias de desarrollo y valores culturales deben ser respetados como distintos y vitales fuentes de conocimiento.
68. Los pueblos indígenas han estado aquí desde que comenzó el tiempo. Venimos directamente del Creador. Hemos vivido y mantenido la tierra como fue desde el primer día. Las personas que no pertenecen a la tierra deben irse de la tierra porque esas cosas (el denominado »desarrollo« de la tierra) son contrarias a las leyes del Creador.
69. (a) Para que los pueblos indígenas puedan asumir el control y administración de los recursos y territorios, los proyectos de desarrollo deben basarse en los principios de la auto-determinación y la auto-administración.
69. (b) Los pueblos indígenas deben ser auto-suficientes. Si vamos a sembrar, esas cosechas deben alimentar al pueblo. No es apropiado que las tierras sean utilizadas para sembrar cosechas que no beneficien la población local.
70. (a) Respecto a las políticas indígenas, los gobiernos estatales deben frenar intentos de asimilación e integración.
70 (b) Los pueblos indígenas deben consentir a todos los proyectos en sus territorios. Antes de dar su consentimiento, los pueblos deben estar plena y completamente involucrados en las decisiones. Deben obtener toda la información sobre el proyecto y sus efectos. Si se falla en hacer eso se considerará un crimen contra los pueblos indígenas. La persona o personas que violan esto deben ser juzgados en un tribunal mundial con un

"Nosotros, los pueblos indígenas, sostenemos nuestro derecho inherente a la libre determinación". (Declaración de Kari-Oka).
Foto: Niels Nyholm.

balance equitativo de los pueblos indígenas y establecido para dicho propósito. Estos podrían asemejarse a los tribunales sostenidos después de la segunda guerra mundial.

71. No debemos utilizar el término »reclamos de tierras«. Los que no son indígenas son los que no tienen tierras. Los que no son indígenas son los que reclaman nuestras tierras. No estamos reclamando nuestras tierras.
72. Debe haber un cuerpo que vigile desde las Naciones Unidas todos los conflictos de tierra en el mundo antes del desarrollo.
73. Debe haber una conferencia de las Naciones Unidas sobre el tema de »Tierras Indígenas y Desarrollo«.
74. Las personas que no son indígenas han venido a nuestras tierras con el propósito de explotar a nuestros pueblos. Los pueblos indígenas son víctimas del desarrollo. En muchos casos los pueblos indígenas son exterminados en el nombre de un programa de desarrollo. Hay numerosos ejemplos de esos hechos.
75. El desarrollo que existe en tierras indígenas, sin el consentimiento de los pueblos indígenas, debe ser frenado.
76. El desarrollo que está ocurriendo en tierras indígenas usualmente se decide en lugares donde no viven los pueblos indígenas.
77. La noción euro-centrista de la propiedad está destruyendo nuestro pueblo. Debemos volver a nuestra manera de ver el mundo, la tierra y el desarrollo. El tema no puede ser separado de los derechos de los pueblos indígenas.
78. Hay muchas formas del denominado desarrollo: construcción de carreteras y otras formas de comunicación como electricidad, teléfonos, construcción de carreteras para darle más acceso a los desarrolladores al área, industrialización y destrucción de tierras para hacer lugar para una fábrica.
79. Hay un movimiento mundial para desplazar los pueblos indígenas de las tierras y ubicarlos en aldeas. El desplazamiento de territorios tradicionales se hace para facilitar el desarrollo.
80. No es apropiado para los gobiernos o agencias entrar en nuestros territorios y decirle a nuestro pueblo qué es lo que necesita.
81. En muchas instancias, los gobiernos estatales han creado entidades artificiales como los »Consejos de Distrito« en el nombre del gobierno estatal para engañar a la comunidad internacional. Estas entidades artificiales son entonces consultadas sobre el desarrollo en el área. Los gobiernos estatales, entonces, afirman que los pueblos indígenas fueron consultados sobre el proyecto. Estas mentiras deben ser reveladas a la comunidad internacional.
82. Debe haber una red efectiva para difundir material e información entre los pueblos indígenas. Esto es necesario para mantenerse informado sobre los problemas de otros pueblos indígenas.
83. Los pueblos indígenas deben formar su propia red de medio ambiente, con sus propias metas y objetivos.

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Cultura, Ciencia y Propiedad Intelectual

84. Sentimos la tierra como si estuviéramos en el vientre de nuestras madres. Cuando la tierra está enferma y contaminada, la salud humana es imposible. Debemos curar la tierra y para curar la tierra debemos curarnos a nosotros mismos.
85. Debemos empezar a curar desde el nivel de la base y trabajar hacia el nivel internacional.
86. La destrucción de la cultura siempre ha sido considerada como un problema interno, doméstico de los estados naciones. Las Naciones Unidas deben establecer un tribunal para revisar la destrucción cultural de los pueblos indígenas.
87. Necesitamos que los observadores extranjeros entren a nuestros territorios indígenas para vigilar las elecciones estatales para prevenir la corrupción.
88. Los restos y artefactos humanos de los pueblos indígenas deben ser devueltos a sus pueblos originales.
89. Nuestros sitios sagrados y ceremoniales deben ser protegidos y considerados como el patrimonio de los pueblos indígenas y de la humanidad. El establecimiento de instrumentos legales y operativos a nivel nacional e internacional garantizaría ésto.
90. El uso de idiomas indígenas existentes es nuestro derecho. Esos idiomas deben ser protegidos.
91. Los estados que han prohibido los idiomas indígenas y sus alfabetos deben ser censurados por las Naciones Unidas.
92. No debemos permitir que el turismo sea utilizado para disminuir nuestra cultura. Los turistas entran a las comunidades y miran a los pueblos indígenas como si formaran parte de un zoológico. Los pueblos indígenas tienen el derecho de permitir o prohibir el turismo en sus áreas.
93. Los pueblos indígenas deben tener los recursos y control necesarios sobre sus sistemas de educación.
94. Los ancianos deben ser reconocidos y respetados como maestros de la juventud.
95. La sabiduría indígena debe ser reconocida y promovida.
96. El conocimiento tradicional de las hierbas y plantas debe ser protegido y pasado a futuras generaciones.
97. Las tradiciones no pueden ser separadas de la tierra, territorio o ciencia.
98. El conocimiento tradicional ha permitido la supervivencia de los pueblos indígenas.
99. La usurpación de medicinas y conocimientos tradicionales de los pueblos indígenas debe ser considerado un crimen contra los pueblos.
100. La cultura material está siendo utilizada por los que no son indígenas para conseguir acceso a nuestras tierras y recursos y así destruyen nuestras culturas.
101. La mayoría de los medios de comunicación en esta Conferencia sólo estaban interesados en las fotografías que podían ser vendidas por una ganancia. Este es otro caso de explotación de los pueblos indígenas. Esto no ayuda a avanzar la causa de los pueblos indígenas.
102. Como creadores y trasmisores de civilización que han dado y continúan compartiendo su conocimiento, experiencia y valores con la humanidad, requerimos que nuestro derecho a la propiedad intelectual y cultural sea garantizado y que el mecanismo para cada aplicación esté en favor de nuestros pueblos y sea estudiado a fondo e implementado. Este respeto debe incluir el derecho sobre recursos genéticos, bancos genéticos, biotecnología y conocimiento de programas de biodiversidad.
103. Debemos hacer una lista de los museos e instituciones sospechosos de haber mal utilizado nuestras propiedades culturales e intelectuales.
104. La protección, normas y mecanismos de creación artístico y artesanal de nuestros pueblos deben ser establecidos e implementados para evitar el robo, plagio, exposición y utilización indebidas.
105. Cuando los pueblos indígenas dejan sus comunidades, deben tomar todos los esfuerzos para regresar a ellas.
106. En muchas instancias, nuestras canciones, bailes y ceremonias han sido vistos como los únicos aspectos de nuestras vidas. En algunas instancias, nos han pedido alterar una ceremonia o una canción para cierta ocasión, lo cual constituye racismo.
107. A nivel local, nacional e internacional, los gobiernos deben comprometerse a financiar nuevos y existentes recursos, la educación y capacitación de los pueblos indígenas, para lograr su desarrollo sostenible, para contribuir y para participar en un desarrollo sostenible y equitativo a todos los niveles. Atención particular debe ser dada a las mujeres, niños y jóvenes indígenas.
108. Se debe parar y prohibir todo tipo de discriminación folclórica.
109. Las Naciones Unidas deben promover la investigación del conocimiento indígena y promover una red de ciencias indígenas.

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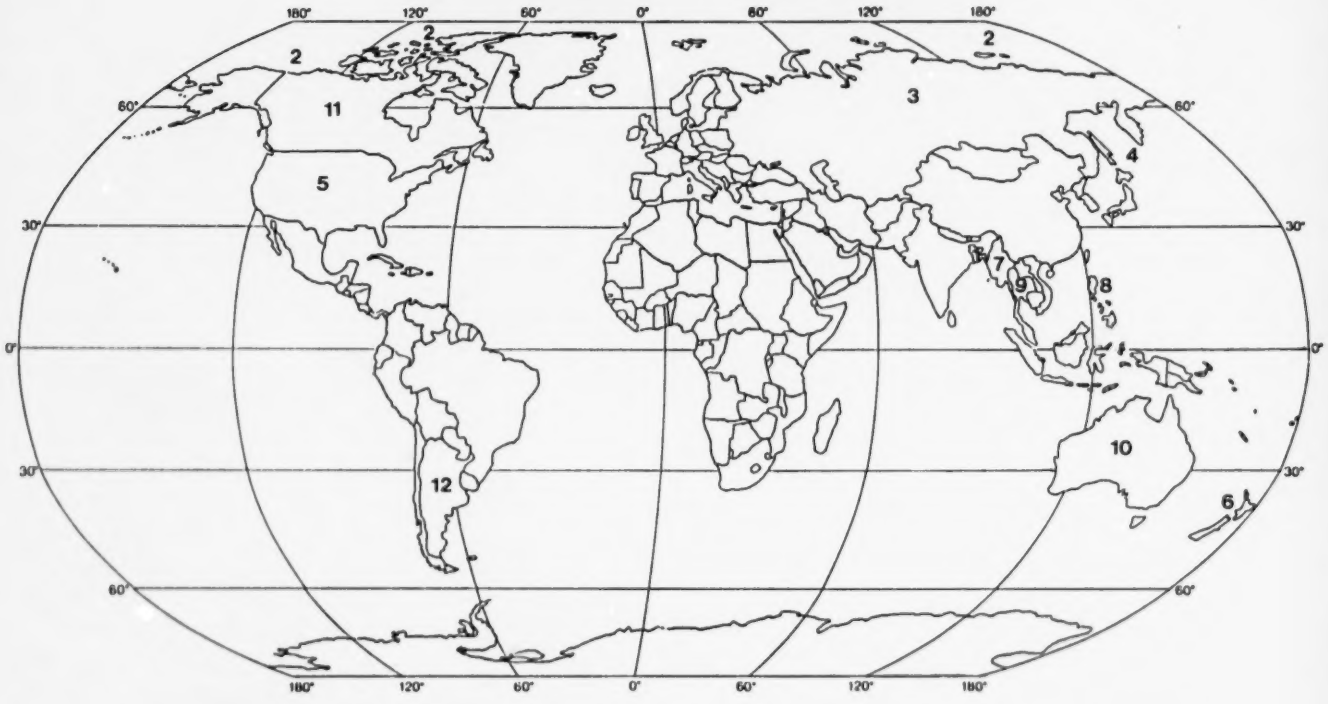

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